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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
IN THE MATTER OF:
Gerard N. Marti

Case No: 17-55891-tjt
Hon. Thomas J. Tucker

Debtor.

DEPOSITION OF GERARD N. MARTI

Taken by the Trustee on the 23rd day of March, 2018
at Stevenson & Bullock, P.L.C., 26100 American Drive,
Suite 500, Southfield, Michigan, scheduled for 10:00
a.m.

APPEARANCES:

For the Trustee: SONYA N. GOLL ESQUIRE
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REPORTED BY: CHRISTINE A. FELTS, CSMR/CER-986
Certified Court Reporter

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Southfield, Michigan

Friday, March 23, 2018 - 10:12 a.m.

* * *

GERARD N. MARTI, PART 1

HAVING BEEN CALLED BY THE TRUSTEE AND DULY SWORN:

MS. GOLL: For the record, Sonya Goll, on
behalf of the Trustee, Michael Stevenson.

MR. KWIATKOWSKI: Scott Kwiatkowski, on
behalf of Mr. Marti.

MS. GOLL: Before we get started with the
actual questioning, Sean Cowley from the U.S.
Trustee's Office wanted to be here today, but he had
to go to a funeral. So he wasn't able to attend. He
wanted me to tell you, and I'm putting this on the
record, just to make sure it's noted, that he wants a
copy of the transcript and he will want it rushed.

Just because of the timing with the
objection to exemption deadline being the end of the
month -- unless you're willing to extend it for a few
weeks.

MR. KWIATKOWSKI: What, the objection
deadline?

MS. GOLL: Yeah, it's the 30th, or the 31st,
I do believe.

MR. KWIATKOWSKI: Okay.

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MS. GOLL: So if you are, we can take care
of that today after we're done here, just do a quick
stip.

MR. KWIATKOWSKI: All right. We'll see
where we're at the end here. Yeah, because no
other creditors objected, and I think it's --

MS. GOLL: Yeah, that would just for the
Trustee, the U.S. Trustee. The other deadline is
already passed.

EXAMINATION

BY MS. GOLL:

Q. Mr. Marti, can you please state your name and address
for the record?

A. Gerard Marti, M-A-R-T-I. 107 Townsend Street,
Birmingham, Michigan, 48009.

Q. Have you ever had your deposition taken before?

A. Like this type of deposition?

Q. Yes.

A. No.

Q. We have a court reporter here today, and she's
recording all of the questions I ask and the answers
you give. So it's very important that you do keep
your voice up.

A. Okay.

Q. Speak as clearly as you can, and all of your responses

1 (Pages 1 to 4)

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1 are oral. Okay?

2 A. Okay.

3 Q. As he's shaking his head yes. So no shaking of the

4 head. No uh-huhs or huh-uhs.

5 A. Oh, I see what you mean, yeah, we tape it. Okay.

6 Q. Yeah, she can't pick up the shake of the head or the

7 uh-huhs or uh-uhs.

8 A. I understand.

9 Q. Now, sometimes you're going to anticipate the question

10 that I'm going to ask as I'm asking it. I ask that

11 you just wait until I finish asking the question

12 before you respond. That way she can actually get

13 both of us. Because if we're both talking at the same

14 time, she can't pick both of us up.

15 A. Of course not.

16 Q. Now, if at some point you don't understand a question

17 that I ask, you can ask me to rephrase it, or say, you

18 know, what do you mean. Because if you respond to a

19 question, we're going to assume that your answer --

20 that you understand the question and that your answer

21 is the answer, okay?

22 A. Okay.

23 Q. Now, is there any reason -- oh, first off, if you need

24 to take a break sometime today, let me know, we can

25 find a place to stop. Like for the bathroom or if you

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1 I move here. I mean that's a long story short.

2 Q. Now, actually, let's start with this. Who is

3 Tatiana Marti?

4 A. That's my daughter.

5 Q. Your daughter? Okay. And how old is your daughter?

6 A. She's twenty-three.

7 Q. I'm sorry.

8 A. Twenty-three.

9 Q. Twenty-three. Okay. And is your daughter the one

10 that you said moved with your wife, or is that your

11 other child?

12 A. I have three child, three kid.

13 Q. Oh, you have three?

14 A. I have an older daughter who's 32 now, and her name is

15 Adelaide, and she live in Paris with her husband. And

16 I have two other kid with my ex-wife, Tatiana, 23, and

17 Noah, 18, who just turned 18 yesterday.

18 Q. I'm sorry what was his name?

19 A. Noah.

20 MR. KWIATKOWSKI: Noah.

21 BY MS. GOLL:

22 Q. Noah.

23 A. He's 18.

24 Q. He just turned 18 yesterday?

25 A. Yeah, I just came back from Los Angeles.

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1 need a drink or something.

2 Now, is there any reason why you would be

3 unable to testify truthfully here at your deposition

4 today?

5 A. No.

6 Q. Are you currently taking any medication or other

7 substances which would interfere with your ability to

8 testify today?

9 A. No.

10 Q. Can you describe for me your educational background?

11 A. My educational?

12 Q. Background.

13 A. I mean, how far were you going to go.

14 Q. You graduated high school?

15 A. Oh, yeah.

16 Q. Did you attend college?

17 A. No. I left high school after -- when I was 16. I

18 went to work with my dad who was a carpenter. I

19 worked with him until he passed away. And then after

20 that, I moved to Paris. I was a record producer from

21 1974 to 1990. I also work in the recording industry.

22 Then I met my ex-wife. I moved to Hawaii. I run a

23 business there, an art gallery there, for 23 years. I

24 have two kid with her. I got divorced five or six

25 years ago. She moved to Los Angeles with my kid, and

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1

2 Q. Now, I may pronounce this wrong so forgive me,

3 Anzhelika Komonez (ph.)?

4 A. Anzhelika Khoments.

5 Q. Khoments. Alright. And that's A-N-Z-H-E-L-I-K-A.

6 And then is the last name with a T?

7 A. I don't really know the spelling because she's from

8 Russia. She's a friend of mine.

9 Q. K-O, or excuse me, K-H-O-M-E-N-T-S.

10 You said she's a friend of yours?

11 A. Yes.

12 Q. And where does she live?

13 A. She live in Chicago.

14 Q. Chicago? All right. I'm sorry. You said your

15 daughter, Tatiana lived where?

16 A. In Los Angeles.

17 Q. In LA. Okay. And how about Adelaide Clairwin.

18 A. That's my daughter, my older daughter.

19 Q. Oh, other daughter?

20 A. Yes.

21 Q. The one that lives in --

22 A. In Lyon actually, Lyon, which is in France.

23 Q. L-E-O-N.

24 A. L-Y-O-N.

25 Q. Oh, L-Y-O-N. Why did I say L-E?

2 (Pages 5 to 8)

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1 A. Because Lyon it mean lion with an I, and Lyon with a Y
2 it's a --
3 Q. I've been there. That's why did I not know how to
4 spell that.
5 A. The food is very good there.
6 Q. Okay. And you said she was 28.
7 A. Thirty-two.
8 Q. Thirty-two. Oh, okay.
9 A. I'm old.
10 Q. I didn't think you were old enough to have a 32-year-
11 old daughter, but okay. Claudia Mariko?
12 A. Claudia?
13 Q. Yes.
14 A. Mariko?
15 Q. M-A-R-I-K-O, yes.
16 A. I know only one Claudia. She's a waitress here. I
17 don't know her last name.
18 Q. How about Cody Franklin?
19 A. Cody Franklin. She work for me. She's my employee.
20 Q. Okay. Now, Cody, C-O-D-Y.
21 Who or what is Lexi Drew?
22 A. It's a clothing store.
23 Q. Women's clothing store?
24 A. Yes.
25 Q. When was the last time you were in Hawaii?

Page 11

1 A. Yes.
2 Q. Now, we're going to go through -- actually, we'll go
3 through the next one when we go over that. So you did
4 receive this then?
5 A. Yes, I received, I received so much.
6 Q. All right.
7 A. Yes. I think I receive it. Yeah.
8 (Deposition Exhibit No. 2, Affidavit, was
9 marked for identification.)
10 BY MS. GOLL:
11 Q. So let's turn to Exhibit 2 now. Exhibit 1, part of
12 the order had required her to provide an affidavit.
13 A. I cannot read --
14 MR. KWIATKOWSKI: So I'm just telling you to
15 relax.
16 THE WITNESS: Oh, relax. Well, I just
17 heard -- I mean, I'm sorry, this may be off the
18 record, but I just heard your conversation earlier.
19 Was not about me. So I understood what we're doing
20 here. I just realized what you're doing. Actually,
21 you're trying to catch people who are lying, and using
22 the -- the bankruptcy lawyer. You're trying to catch
23 people who are lying, and trying to cheat the system,
24 yeah.
25 BY MS. GOLL:

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1 A. Three years ago, or four years ago. I mean, when I
2 move here.
3 Q. So you haven't been back since you moved?
4 A. No. Since I moved here, I haven't been back. No.
5 Q. So you weren't there in July of 2017?
6 A. Honestly, I don't remember. July 2017?
7 Q. July of last year.
8 A. Oh, no, no.
9 Q. No? Okay.
10 Now, let's go through -- if you open the
11 binder that's in front of you. All of the exhibits
12 are tabbed. They'll be numbered on them somewhere as
13 well, but they're tabbed. So let's go to Exhibit 1.
14 (Deposition Exhibit No. 1, Order Granting
15 Trustee's Motion for Examination and
16 Production of Documents under Federal Rule
17 Bankruptcy Procedure 2004, was marked for
18 identification.)
19 BY MS. GOLL:
20 Q. This is an Order Granting Trustee's Motion for
21 Examination and Production of Documents under Federal
22 Rule Bankruptcy Procedure 2004; do you recognize this?
23 A. Yes.
24 Q. Did your attorney give you a copy of this after it was
25 ordered so that you could produce certain documents?

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1 Q. Well, no, what I'm trying to do here today is
2 ascertain your assets and your liabilities.
3 A. Yeah.
4 Q. I mean, you own a business, correct?
5 A. Yes.
6 Q. And there's a lot of things to do with the business as
7 far as how much the business is worth and --
8 A. Uh-huh.
9 Q. So that's what we're doing here today. Because at the
10 341 Meeting of Creditors which you attended, we only
11 have a very short amount of time.
12 A. Yeah.
13 MR. KWIATKOWSKI: So just be calm and
14 answer. Because I can tell you're very nervous.
15 THE WITNESS: Well, the reason why I get
16 nervous is after your conversation, I'm like, okay,
17 this is like, much more serious than what I was
18 thinking. You know, I don't want to -- you know, so,
19 I'm going to try to answer accurately, you know, as
20 much as I can.
21 BY MS. GOLL:
22 Q. Well, yes, you are under oath so it's best that you do
23 that.
24 Let's go back to Exhibit 2. Exhibit 1
25 required you to provide an affidavit for any documents

3 (Pages 9 to 12)

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1 that you were unable to produce. Now, Exhibit 2 is an
2 Affidavit of Gerard N. Marti. Do you recognize this?
3 A. Yes.
4 Q. Did you prepare this?
5 A. I haven't give it to you yet? All of this?
6 Q. Uh-huh.
7 A. Okay. Well, I don't know.
8 Q. You don't know if you -- did you prepare this or did
9 you help your attorney prepare this?
10 A. Well, I give my attorney every single document that I
11 could find that you requested.
12 Q. Okay.
13 A. There is, you know, like you mentioned earlier. You
14 mentioned Hawaii. I used to live there. I used to
15 have a storage space there. And because I couldn't
16 pay the rent, the storage space was sold. I mean, the
17 content of my storage space was sold as an auction so
18 I lost a lot of paperwork. I lost my family pictures.
19 I lost my kid pictures when they were little. So if
20 there is anything in there that was in my storage, I
21 would not be able to provide it. That's what I'm
22 trying to explain.
23 Q. Okay. Well --
24 MR. KWIATKOWSKI: I drafted the affidavit
25 and Gerard reviewed it, so.

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1 a balance sheet that basically had all of the
2 information. We'll be getting to that. One of them
3 is -- let me see. In here somewhere -- as one of the
4 exhibits, it'll say -- it says balance sheet on it.
5 Exhibit 18 is an example. You don't have to look at
6 that now. It says balance sheet and basically what it
7 is is it goes through all of the general ledger
8 information. Did you ever have prepared by an
9 accountant, or by anyone, just a balance sheet
10 showing -- saying these are my -- this is my income,
11 this is my liabilities, these are my assets, that type
12 of thing?
13 A. (No response.)
14 Q. No? You need to --
15 A. Yes, I mean, no, no.
16 Can I say something? You know, everything
17 you asking me right now, it's like me if I start
18 talking to you in French. You're not going to
19 understand anything and we're going to go nowhere. I
20 am not really good at the paperwork. I have a
21 bookkeeper that I hire when I take the business over,
22 and she's trying to sort up this whole thing. So --
23 MR. KWIATKOWSKI: A lot of the documents --
24 THE WITNESS: One of the reason is because,
25 first of all, I don't speak English very, very well.

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1 BY MS. GOLL:
2 Q. Let's go to the next to the last page. It's going to
3 be -- at the bottom, it'll say page 9 of 10.
4 A. Nine of ten, yeah.
5 Q. Is that your signature?
6 A. It is my signature.
7 Q. Okay. We're going to go through this. Starting from
8 the beginning, just so that we -- I can ask you
9 certain questions about these. Now, the first thing
10 that you're required to produce was a detailed profit
11 and loss statement for the business for 2016 and 2017
12 through the date of filing.
13 Now, your answer was the document was
14 provided. I didn't actually see in the documents a
15 profit and loss statement other than some documents
16 that were labeled as they were QuickBooks documents.
17 There wasn't an actual profit and loss statement.
18 Do you have profit and loss statements that
19 were prepared by an accountant?
20 A. No.
21 Q. No?
22 A. I don't have an accountant right now.
23 Q. All right. Now, the balance sheet for 2016 and 2017
24 through the date of filing. Again, it says documents
25 provided. Now there was something that was labeled as

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1 I mean, I have a basic vocabulary, but all of the
2 words that you're using in these questions is like
3 totally foreign to me. So I am very afraid that I'm
4 going to -- that I don't understand everything you ask
5 me. Because, you know, a ledger, I have no idea what
6 you're talking about.
7 Q. Well, we hadn't gotten to the general ledger yet, but
8 the general ledger has information on it. If you look
9 at Exhibit 16, if you want to flip to that.
10 (Deposition Exhibit No. 16, General Ledger,
11 was marked for identification.)
12 BY MS. GOLL:
13 Q. That's an example of a general ledger. It says
14 general ledger up on it Robert Kidd Gallery General --
15 MR. KWIATKOWSKI: Actually, it says balance
16 sheet.
17 MS. GOLL: Wait. Mine says general ledger.
18 Does it start with, very first thing, deposit 6/28/16?
19 MR. KWIATKOWSKI: No. It says balance
20 sheet, Exhibit 16, assets.
21 MS. GOLL: And then the very first thing
22 should say 6/28/16?
23 MR. KWIATKOWSKI: Yeah.
24 MS. GOLL: Yeah.
25 MR. KWIATKOWSKI: Deposit.

4 (Pages 13 to 16)

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<p style="text-align: right;">Page 17</p> <p>1 MS. GOLL: Yes. That's weird that says 2 balance sheet, mine says general ledger, it's the 3 exact same thing. Oh well, all right, that's okay. 4 MR. KWIATKOWSKI: Yeah, that says 5 Robert Kidd Gallery, Balance Sheet as of December 31, 6 2016. And just so you're aware, Mr. Marti and I 7 requested these documents from the gallery's former 8 owner because that's who put all of this together. 9 And I think she gave it to you also. 10 MS. GOLL: Well, she wouldn't have been able 11 to put together anything since he took over the 12 business July of 2017. 13 MR. KWIATKOWSKI: Which was, yeah, July. 14 Right. 15 MS. GOLL: So, again, it says documents 16 provided for the balance sheet for 2016 and for 2017 17 through date of filing. So, and it said, documents 18 provided, but that wasn't. So that's why I'm asking. 19 He said that he doesn't know what a balance sheet is. 20 THE WITNESS: Well, when I look at this, for 21 me, I would tell you that's Hebrew for me, really. 22 BY MS. GOLL: 23 Q. So did you tell your attorney that you didn't 24 understand what a balance sheet was or what a detailed 25 profit and loss statement was so that they could be</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Okay. I have never known about this. 2 Q. So you wouldn't know what MCL 440.2326 subparagraph 4 3 is? 4 A. No. 5 Q. Or MCL 442.311 subparagraph G? 6 A. No. 7 Q. Number 5 was an assets list on the date of filing. 8 Now, you've provided, in here, your answer is, you 9 provided a picture of all works of fine art that is 10 currently held in the gallery, and that the only other 11 assets have been viewed by the trustee upon a visual 12 inspection, and consists of furniture and office 13 equipment. Is that accurate? 14 A. Yes. 15 Q. Let me see where is -- if you turn to Exhibit 25 16 really quick. 17 (Deposition Exhibit No. 25, Consignment 18 Artwork Pictures, was marked for 19 identification.) 20 BY MS. GOLL: 21 Q. Do you recognize Exhibit 25? 22 A. Yes. 23 Q. Is this the pictures that were in question? 24 A. This is a picture of all of the artwork we have on 25 consignment from artists in the gallery.</p>
<p style="text-align: right;">Page 18</p> <p>1 explained to you? 2 A. No. 3 MR. KWIATKOWSKI: Well, you can't really ask 4 him what he asked his attorney, so I'll object. 5 MS. GOLL: Yeah, okay. After he already 6 answered. 7 BY MS. GOLL: 8 Q. All right. So an accounts payable statement, do you 9 understand what an accounts payable statement is for 10 the business? 11 A. I suppose that this is the bill that I have to pay. 12 Q. Correct. Just written all out. 13 Now, you've got down here that you provided 14 a list of artists within Schedule E/F, that are owed 15 trust fund monies for the sale of consignment goods. 16 And then you've got some MCL statutes on here. Do you 17 know what MCL statutes are? 18 A. No. 19 Q. Why would you have that in your affidavit? This was 20 an affidavit that you were preparing with the 21 assistance of your attorney, but just said whether or 22 not you provided something and -- 23 A. Well, can you -- I assume that MCL stand for 24 something, what it stand for? 25 Q. Michigan Compiled Laws. They're statutes.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. So you only have artwork that is for sale? 2 A. We sell art. Yeah, artwork, I mean couture painting, 3 print, but, yeah -- artwork. 4 Q. What about collectibles? We had a big to-do when we 5 were at the artwork gallery about the records that 6 were on the wall and -- 7 A. Yes. I have five or six records who come from a 8 former customer of mine, from when I was having a 9 gallery in Hawaii. His name is Rick Jackson and he is 10 having some financial difficulties, and he asked me to 11 sell his collectibles for him. Since he bought it 12 from us, you know, years and years ago, I'm talking 13 like 15 years ago, I decide to help him. And I have 14 the work -- I mean the piece in the gallery. So far, 15 we haven't sold it yet. 16 Q. So the pictures that you provided those are actually 17 owned by the gallery? Those aren't on consignment? 18 A. Pictures of what? 19 Q. All of these pictures, the artwork. 20 A. All of these pictures are owned by the gallery. 21 Q. Are owned by the gallery, okay. 22 A. Only the gold album that you talk about, that you saw 23 in the downstairs office, belongs to Mr. Rick Jackson. 24 MR. KWIATKOWSKI: You have to listen to her 25 question. She's asking are these things owned by the</p>

<p style="text-align: right;">Page 21</p> <p>1 gallery or are they on consignment?</p> <p>2 A. Oh, no. This is all on consignment.</p> <p>3 Q. All on consignment.</p> <p>4 A. Yeah.</p> <p>5 Q. But you included it as assets of the business. Why</p> <p>6 wouldn't you have included things like those gold</p> <p>7 records?</p> <p>8 A. Because they don't belong to the gallery. They belong</p> <p>9 to somebody who give -- oh, okay, when you ask</p> <p>10 me -- well, you don't, but I understood that I was</p> <p>11 supposed to provide picture of all of the artwork on</p> <p>12 consignment. Memorabilia, I'm sorry, but I don't</p> <p>13 consider it artwork. I consider that collectibles.</p> <p>14 So I don't mention it. But, you know, you have to</p> <p>15 know something. These albums have been seized or,</p> <p>16 seized or garnished, garnished by Miller, which is Mr.</p> <p>17 Miller, which is the attorney for Deborah Barnes. He</p> <p>18 took them then he brings them Deborah Barnes, which</p> <p>19 is one of my creditor. When this whole thing started,</p> <p>20 he came, somebody came, a sheriff, and took them away.</p> <p>21 Then I provide the proof that it was not ours and they</p> <p>22 bring them back.</p> <p>23 Q. So it was just a misunderstanding as far as what the</p> <p>24 assets meant?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 MR. KWIATKOWSKI: Except for your pictures.</p> <p>2 MS. GOLL: I'm sorry. Please don't testify.</p> <p>3 THE WITNESS: Which picture?</p> <p>4 MR. KWIATKOWSKI: Your artwork.</p> <p>5 MS. GOLL: Sir, please don't testify. Don't</p> <p>6 tell him the answers. He's already answered twice.</p> <p>7 Don't try to correct his answers and put something in</p> <p>8 his mouth.</p> <p>9 BY MS. GOLL:</p> <p>10 Q. Then the last two years of bank statements for any and</p> <p>11 all accounts opened in the last two years for the</p> <p>12 business, and copies of all canceled checks or legible</p> <p>13 check registers, or ledgers, if canceled checks are</p> <p>14 not available. And the two-year look-back period was</p> <p>15 supposed to begin the date you filed, which I believe</p> <p>16 was December, or not December, I'm sorry, November 15,</p> <p>17 2017.</p> <p>18 Now, you indicated debtor provided bank</p> <p>19 statements and ledger. Now, the bank statements some</p> <p>20 of them only went back to June of 2017. Some of them</p> <p>21 went back to January, or, I'm sorry, to June 28, 2016.</p> <p>22 And some of them are just for 2017, July 2017 on.</p> <p>23 Was there a reason none of the 2015's were</p> <p>24 provided.</p> <p>25 A. Probably because I couldn't find it.</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. So you provided the pictures of the artwork, but not</p> <p>2 the memorabilia.</p> <p>3 A. Yeah, I misunderstood the question.</p> <p>4 Q. All right. Because we did ask previously for copies</p> <p>5 of a list of all of the things that you had on</p> <p>6 consignment.</p> <p>7 A. I have a consignment agreement --</p> <p>8 Q. Oh, I'm just saying that could be what you took the</p> <p>9 pictures for. That's what I was thinking you took the</p> <p>10 pictures for. So you thought that this was just part</p> <p>11 of the assets?</p> <p>12 A. Yes. I mean, no. The gallery doesn't really have any</p> <p>13 assets. The gallery have art on consignment and</p> <p>14 obviously what we call memorabilia. I mean, six of</p> <p>15 them. Probably I misunderstood and I don't provide.</p> <p>16 I don't put them on the list of the consignment goods,</p> <p>17 I guess.</p> <p>18 Q. Just so I'm clear. All of these pictures -- all of</p> <p>19 the artwork on the walls are on consignment?</p> <p>20 A. Yeah. I asked somebody to take a picture of every</p> <p>21 single thing that was in the gallery, on the back</p> <p>22 storage, everywhere.</p> <p>23 Q. So none of the artwork or memorabilia in the gallery</p> <p>24 is owned by the business?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Couldn't find it? Okay. Did you contact the bank and</p> <p>2 ask to get copies of the bank statements?</p> <p>3 A. Yes, they give me a bunch of copies and I thought that</p> <p>4 it was, you know, including everything.</p> <p>5 Q. So you did go to the bank and get copies of bank</p> <p>6 statements?</p> <p>7 A. And my former partner also did, I think, because some</p> <p>8 of this, at the time, she was, you know, in charge.</p> <p>9 And I know she asked copies to the bank, and she</p> <p>10 provided to Scott, I think.</p> <p>11 Q. Now, the next one I want to look at is No. 8. It says</p> <p>12 copies of the most recent financial statements. It</p> <p>13 says that you do not have in or -- in your control or</p> <p>14 your agents control a recent financial statement.</p> <p>15 Have any financial statements been prepared in the</p> <p>16 last two years?</p> <p>17 A. I don't know.</p> <p>18 Q. When you purchased the business, was there a financial</p> <p>19 statement prepared?</p> <p>20 A. I don't know.</p> <p>21 Q. If you don't know, you don't know</p> <p>22 A. Yeah, well...</p> <p>23 Q. Copies of all reports of any money and other</p> <p>24 consideration dispersed to shareholders, partners,</p> <p>25 members, from 2012 to present. That's No. 16. Now,</p>

<p style="text-align: right;">Page 25</p> <p>1 your answer on this was you procured the last two</p> <p>2 years' financial records, but you don't have business</p> <p>3 records going back to 2012 because the LLC did not</p> <p>4 exist until 2014?</p> <p>5 A Yes.</p> <p>6 Q. So 2012 through to -- up to 2014, obviously you</p> <p>7 wouldn't have. But then it says that you made a</p> <p>8 request from the former member of the -- sole member</p> <p>9 of the LLC, for the documents, and you didn't receive</p> <p>10 any documents; is that correct? You didn't receive</p> <p>11 any documents regarding any --</p> <p>12 A. That's correct, yeah.</p> <p>13 Q. When did you purchase the business?</p> <p>14 A. From my former partner?</p> <p>15 Q. Yeah.</p> <p>16 A. I think in July. I don't remember the date exactly.</p> <p>17 Q. July of 2017?</p> <p>18 A. I think so, yeah.</p> <p>19 Q. So July of 2017, after you purchased the business,</p> <p>20 through November 15th of 2017. Your partner wouldn't</p> <p>21 have been able to provide those documents, former</p> <p>22 partner, you would have.</p> <p>23 Scott, are you okay?</p> <p>24 MR. KWIATKOWSKI: Yes, I'm just stretching.</p> <p>25 (Discussion off the record.)</p>	<p style="text-align: right;">Page 27</p> <p>1 for example, let's say that, you know, let's say that</p> <p>2 you want this piece of art that I really like here,</p> <p>3 and I want to buy it from you. If you tell me, well,</p> <p>4 you know, you want to buy it from me, I give it to you</p> <p>5 for \$2000 cash, you know. Well, I would go to the</p> <p>6 bank, I would get the money, and I would give it to</p> <p>7 you because I --</p> <p>8 Q. No. That's understandable. I'm just saying you</p> <p>9 didn't pay yourself any money, take any money for</p> <p>10 yourself, other than your wages.</p> <p>11 A. Yeah, no.</p> <p>12 Q. All right. So any cash withdrawals from the business</p> <p>13 would've been to buy art -- pay someone for the</p> <p>14 artwork.</p> <p>15 A. To pay somebody or buy something.</p> <p>16 Q. Now, when you do something like that, when you see a</p> <p>17 piece of art that you want, that you like, and you</p> <p>18 want in the gallery, and you give the artist cash for</p> <p>19 it, so you give the artist cash and he gives you the</p> <p>20 painting.</p> <p>21 A. Yes.</p> <p>22 Q. So wouldn't the gallery own the painting then?</p> <p>23 A. Well, usually when I do that it's because I already</p> <p>24 sold the pending.</p> <p>25 Q. Oh, okay.</p>
<p style="text-align: right;">Page 26</p> <p>1 BY MS. GOLL:</p> <p>2 Q. Since you've purchased the business, have you paid</p> <p>3 yourself any money, other than your paychecks, from</p> <p>4 the business? Have you taken any money from the</p> <p>5 business besides your paychecks?</p> <p>6 A. That happened a couple of times.</p> <p>7 Q. A couple of times?</p> <p>8 A. Yes. I mean, maybe more. Sometimes I have artists</p> <p>9 who want to be paid in cash, so I have to go to the</p> <p>10 bank to --</p> <p>11 Q. Oh, no, no. This is money for yourself. That you</p> <p>12 paid to yourself.</p> <p>13 A. Oh, no, no.</p> <p>14 Q. So you haven't made any disbursements to yourself,</p> <p>15 taken any money, other than your paycheck from the</p> <p>16 business?</p> <p>17 A. No. If I took any money from the company, it's always</p> <p>18 to pay someone. Sometime I have artists who want to</p> <p>19 be paid by cash because they give me a better deal if</p> <p>20 I pay cash. And sometime I would acquire artwork from</p> <p>21 some artists for cash or so because they give me a</p> <p>22 better price.</p> <p>23 Q. Okay. So but you haven't taken any of the money for</p> <p>24 yourself. Would you -- when you --</p> <p>25 A. Sometime when I take money from the company to buy --</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Like, for example, this one that I keep looking at, if</p> <p>2 one day, you want to sell it, give me a call, because</p> <p>3 I can probably sell this for like \$12,000 to someone</p> <p>4 that I know, and I would give you probably \$2,000.</p> <p>5 I'm just kidding. But that's what we do sometime.</p> <p>6 That's what we do sometime. If you call me and you</p> <p>7 say, Hey, I want a piece of art with Malcolm X picture</p> <p>8 on it, I would look for it and when I find it, I would</p> <p>9 buy it from you and sell it to my client.</p> <p>10 MS. GOLL: Off the record.</p> <p>11 (Discussion off the record.)</p> <p>12 MS. GOLL: Back on the record.</p> <p>13 BY MS. GOLL:</p> <p>14 Q. And then 17 would go along with 16, about no money</p> <p>15 going to you.</p> <p>16 Now, the business leases 107 Townsend</p> <p>17 Street, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Has it leased any other property that you're aware of</p> <p>20 in the last -- since 2014?</p> <p>21 A. The company?</p> <p>22 Q. Yes.</p> <p>23 A. No.</p> <p>24 Q. Did the business have a storage unit anywhere?</p> <p>25 A. No. Storage is in the same location.</p>

7 (Pages 25 to 28)

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1 Q. All right.
 2 A. At some point, I want to precise (sic) something
 3 because I don't know where your question's going to,
 4 but at some point, my former partner, Jennifer, helped
 5 me with the gallery money to pay my storage in Hawaii.
 6 Q. Oh, okay. Yeah, that's actually not -- we'll go over
 7 it, why I asked this question a little later. It
 8 doesn't have anything to do with your storage unit in
 9 Hawaii.
 10 Now, the 2017 tax returns for the business,
 11 you said you don't have an accountant, so have they
 12 been prepared yet?
 13 A. Well, I have a bookkeeper and she's in contact with a
 14 CPA called Paul Goodman, who's supposed to do my
 15 accounting, but they asked me for a retainer of \$5,000
 16 and I don't have it right now. So I am trying to
 17 negotiate with them to put a deposit down so they can
 18 start to do my taxes, and I'm going to pay the balance
 19 whenever I can.
 20 Q. Do you anticipate having to get an extension for your
 21 2017 taxes for the business?
 22 A. I have to.
 23 Q. Now, Nos. 27 through 29, I had asked for copies of the
 24 Facebook page name.
 25 MR. KWIATKOWSKI: Hang on a second.

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1 Q. Yes.
 2 A. No. I mean, I delete some stuff from my personal
 3 sometime, but not from the business.
 4 Q. So since you filed bankruptcy, have you deleted
 5 anything from your personal Facebook page?
 6 A. Yeah, yes. A picture of a girlfriend that I don't
 7 want to see anymore.
 8 Q. Anything else?
 9 A. I mean, it's a very broad question. I don't remember.
 10 Q. It's not very broad. Since November 15th, so just a
 11 few months ago, have you deleted anything from
 12 Facebook, other than the picture of your ex-
 13 girlfriend.
 14 A. I don't remember.
 15 MS. GOLL: Scott, now you see why I wanted
 16 to have the passwords, so we could go back and check.
 17 MR. KWIATKOWSKI: You can still check if
 18 it's public.
 19 THE WITNESS: Yeah, but, I'm sorry, I --
 20 MS. GOLL: Not if it's been deleted. We
 21 can't check for deleted stuff.
 22 MR. KWIATKOWSKI: That's a privacy concern
 23 on my part because he --
 24 BY MS. GOLL:
 25 Q. What about Twitter? Have you deleted anything from

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1 MS. GOLL: Oh, sorry, we're still on
 2 affidavit.
 3 THE WITNESS: Oh, okay.
 4 MS. GOLL: It's the fourth page.
 5 BY MS. GOLL:
 6 Q. It's 27, 28 and then 29. I had asked for the
 7 business's Facebook page, Twitter name, LinkedIn user
 8 name, and all the logins and passwords for them. Now,
 9 you didn't provide them and said that they're all on
 10 public settings so I could get all the information.
 11 Since the bankruptcy has been filed, have you deleted
 12 anything from the business's Facebook page?
 13 A. I am not handling the Facebook page.
 14 Q. You what?
 15 A. I am not handling the Facebook page.
 16 Q. Who handles the Facebook page?
 17 A. Well, before, it was Jennifer Vinklerek, my former
 18 partner. And now, I have Cody Franklin who's doing
 19 social media. She's handling the Facebook page, the
 20 Instagram, and all of the social media for the gallery
 21 because she's young and she know better.
 22 Q. So you don't have any control over -- you haven't gone
 23 in and deleted or had her delete anything from
 24 Facebook, from Twitter or LinkedIn?
 25 A. From the business?

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1 Twitter?
 2 A. I don't even go on Twitter. My employee goes, but I
 3 don't go on Twitter.
 4 Q. So you don't go on it -- you don't have a personal?
 5 A. No. If I have one, I don't really go in it because
 6 it's not helping anything. I mean it's not helping my
 7 business, you know.
 8 Q. All right.
 9 A. For example, you know, I am one of the artists in the
 10 gallery so sometime I post my new pieces, or my new,
 11 whatever, creation, on my personal one --
 12 Q. Personal Twitter?
 13 A. No, not Twitter.
 14 Q. Facebook?
 15 A. But on social media in general. Okay. Let's say that
 16 last night I did a painting that I'm very happy about.
 17 I'm going take a picture. I'm going to put it on my
 18 personal Facebook page. I'm going to put it on my
 19 personal Instagram to show my friend. And let's say
 20 that a month later, I don't like it anymore, well, I
 21 might delete it. I mean, you know, that's what social
 22 media is about.
 23 Q. What about LinkedIn? For your personal LinkedIn, have
 24 you deleted anything since November 15th?
 25 A. No, I barely go on LinkedIn. I should actually,

8 (Pages 29 to 32)

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<p style="text-align: right;">Page 33</p> <p>1 because it's very good, but.</p> <p>2 Q. All right. Now, does the LLC have any patents,</p> <p>3 copyrights or intellectual properties?</p> <p>4 A. No.</p> <p>5 Q. And according to your affidavit, the safety deposit</p> <p>6 box doesn't have any -- or, I'm sorry, the business</p> <p>7 doesn't have a safety deposit box, correct?</p> <p>8 A. I don't have one. Never did.</p> <p>9 Q. No, the business.</p> <p>10 A. Oh, no.</p> <p>11 Q. What about any foreign bank accounts? Does the</p> <p>12 business have any foreign bank accounts?</p> <p>13 A. No.</p> <p>14 Q. Now, we had requested a list of all consigned goods</p> <p>15 with their owner's name and contract information.</p> <p>16 Now, you had provided the contracts, and then you did</p> <p>17 provide a list that appeared to be a list from the,</p> <p>18 when you purchased the business, of consigned goods.</p> <p>19 Let me see. I'm trying to find it. Sorry. It's</p> <p>20 Exhibit 27.</p> <p>21 (Deposition Exhibit No. 27, Consignment</p> <p>22 Schedule to Purchase Agreement and Gerard</p> <p>23 Marti Personal Guaranty, was marked for</p> <p>24 identification.)</p> <p>25 BY MS. GOLL:</p>	<p style="text-align: right;">Page 35</p> <p>1 MS. GOLL: Yeah, Rick Jackson does ring a</p> <p>2 bell because there is some stuff about Rick Jackson,</p> <p>3 but I didn't see any consignment from him.</p> <p>4 BY MS. GOLL:</p> <p>5 Q. So Rick Jackson, he's consignment and consigned the</p> <p>6 records?</p> <p>7 A. The gold album, Jimi Hendrix, Beatles, Cream,</p> <p>8 Led Zeppelin.</p> <p>9 Q. Hendrix, Beatles --</p> <p>10 A. One, two, three -- seven of them.</p> <p>11 Q. Cream, I'm sorry, you said, the Beatles, Cream and --</p> <p>12 A. The Beatles, Cream, Led Zeppelin, and three</p> <p>13 Jimi Hendrix.</p> <p>14 Q. Okay. Three Hendrix.</p> <p>15 A. To answer more precisely to your question, when</p> <p>16 Jennifer and I took over this gallery, this gallery</p> <p>17 was doing mostly fine art. Painting, original</p> <p>18 paintings, couture. When we took the gallery over, we</p> <p>19 decide to bring some kind of a different artwork. So</p> <p>20 there is a lot of artists that I provide to you as a</p> <p>21 list after that are artists that I found, and would've</p> <p>22 been added to the roster of artists we already have.</p> <p>23 Q. Now, you keep saying "we," when Jennifer and you took</p> <p>24 the business over.</p> <p>25 A. Yeah, like, for example, you know, after we took over,</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. Now, this appears to be -- it's got your initials and</p> <p>2 Jennifer's initials, and there's a copy of this</p> <p>3 attached to the purchase agreement.</p> <p>4 A. Yeah, this is the art was on consignment in the</p> <p>5 gallery when we, when we acquired it.</p> <p>6 Q. This says it's a consignment schedule. Now, looking</p> <p>7 at it, there's only artwork. I don't see anything on</p> <p>8 here for the guitars or the records or anything like</p> <p>9 that. And also, we'll go through some of the</p> <p>10 consignments. But the consignments, all it was for,</p> <p>11 that I saw, was for, artwork, glass, sculptures,</p> <p>12 things like that.</p> <p>13 So do you have any documents for the</p> <p>14 consignment for things that aren't what you consider</p> <p>15 artwork?</p> <p>16 A. Yes, I do. And I think I provide it. I mean --</p> <p>17 Q. The consignment stuff that was provided was just for</p> <p>18 artwork.</p> <p>19 A. You don't have a consignment agreement from a</p> <p>20 gentlemen called Rick Jackson?</p> <p>21 Q. No. I don't recall seeing one from Rick Jackson.</p> <p>22 A. Because that's the only person who gives us his</p> <p>23 artwork for sale.</p> <p>24 MR. KWIATKOWSKI: I think there -- that name</p> <p>25 rings a bell when I was going through it.</p>	<p style="text-align: right;">Page 36</p> <p>1 she went online, and she find a couple of artists that</p> <p>2 she liked, so we contacted them, and we decide to</p> <p>3 carry their work.</p> <p>4 Q. Well, you keep saying, we decided. Did you have a say</p> <p>5 in the decision making? Were you her partner? Did</p> <p>6 you have an interest in the business at that time?</p> <p>7 A. No, she was the owner of the company, but, you know,</p> <p>8 she trusts my judgment because I had been in the art</p> <p>9 business for 20 years and it was new for her.</p> <p>10 Q. So you helped make the decisions for the company as</p> <p>11 far as artists and stuff like that?</p> <p>12 A. Yeah, she run by me, check the quality of the art, if</p> <p>13 she think that, you know, she see something that we</p> <p>14 can sell or not.</p> <p>15 Q. But you didn't have an interest in the building, I</p> <p>16 mean, in the business. I keep saying building.</p> <p>17 Sorry. In the business?</p> <p>18 A. No.</p> <p>19 Q. All right. So you weren't business partners?</p> <p>20 A. No. I know that some people thought I was because I'm</p> <p>21 standing in this gallery seven days a week, but, no.</p> <p>22 Q. And that changed when you bought the business in July</p> <p>23 of 2017?</p> <p>24 A. We just add some new artists to the artists they</p> <p>25 already have. This gallery's been there since 19 --</p>

<p style="text-align: right;">Page 37</p> <p>1 Q. No, no. But you, you said, you and Jennifer were not 2 partners and you weren't an owner of the business 3 until you purchased it from her in July of 2017. 4 A. Yes. Yes. 5 Q. Just so the record's clear that you -- 6 A. Yes. 7 Q. All right. So let's go back here then to Exhibit 2 8 because we're going to -- all right, now, for your 9 personal, it started with No. 41, and we requested 10 copies of the statements for any and all financial 11 accounts which are in your name? 12 A. Yes. 13 Q. Or which were in your name individually or jointly, or 14 for which you were a signatory for any and all 15 accounts opened in the last six years. And then 16 copies of canceled checks or a check register, if the 17 ledgers weren't available. And then that was -- the 18 six-year look-back period started November 15, 2017, 19 when the case was filed. 20 Now, your answer to this was you provided 21 bank statements within your custody, control, and that 22 you do not have the financial ability to order old 23 statements or checks. Now, the bank statements that 24 you provided started in August 18th, 2017, and then 25 through December of 2017, the beginning of January</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Did you go to the bank and get copies, or try to get 2 copies? 3 A. I asked and I thought you had them. 4 Q. Well, you only had them going back to August 18th of 5 2017, for your personal account. That's what was 6 provided. Do you have them going back further? 7 A. I don't know. If they don't give it to me, I asked 8 all of my statements. And if it's not part of what I 9 provided, you know, they don't give it to me. I can 10 ask again. I don't know. 11 Q. So you did go to the bank and try to get them? 12 A. Yeah, I mean, I opened. 13 Q. Okay. When they gave you the statements, did you look 14 to see what statements they had provided? 15 A. No. 16 Q. Didn't you think it was odd that it was very, very 17 light. There was very few documents. 18 A. I didn't think. I don't know. I really didn't pay 19 attention to the thickness of the pile they gave me. 20 Q. Then on your affidavit, why did you say then 21 that -- let me go back to it, you didn't mention that 22 you had gone and tried to get them, or that you had 23 got them. You said you don't have them, and that you 24 didn't have the financial ability to provide the 25 statements.</p>
<p style="text-align: right;">Page 38</p> <p>1 2018. The bank account that you provided it was for 2 account ending in 6995. It was a Chase account. Now, 3 did you attempt to -- did you contact the bank and ask 4 them for copies of the bank statements prior to August 5 18, 2017? 6 A. Can you repeat the question because -- 7 Q. Okay. Your personal bank account at Chase -- 8 A. Yes. 9 Q. -- that ends in 6995 -- 10 A. Yes. 11 Q. -- you only provided statements going back to 12 August 18, 2017. So August of last year, the middle 13 of August last year. You were supposed to provide 14 them for the last six years, or if they hadn't been 15 open for that long, up to when the account was opened. 16 A. Yes. 17 Q. Why didn't you provide the statements? 18 A. I don't know. I asked the bank for my statement, and 19 it was give me -- but, you know, six years before, I 20 was living in Hawaii. My bank was Bank of Hawaii. 21 And I don't have all of these records from Bank of 22 Hawaii. 23 Q. But right now, I'm talking about the Chase account 24 that you provided. 25 A. The Chase, yeah, yeah.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. What I was talking about when I give this answer was 2 all of this record that you asked me for six years 3 ago, like I told you earlier, all of my bank boxes 4 were in the storage in Hawaii. So if you ask me for 5 my bank statement for six years ago, I don't have it. 6 Q. Okay. I'm not talking about the bank statements from 7 six years ago though, the Bank of Hawaii statements, 8 I'm talking about -- 9 A. Yeah, you asking for Chase, yeah. 10 Q. -- Chase. 11 A. Chase, I opened the bank account when I moved to 12 Michigan, you know. When I moved from Hawaii, I 13 opened a bank account, you know, and when you 14 requested the document, I asked them to provide me 15 with my statement from day one, and obviously, if you 16 say that they don't give it to me, well, they don't 17 give it to me. 18 Q. Did you tell them how far back you needed them? 19 A. I might not have precisely the date. I asked I need 20 my bank statement for my lawyer, and that's all I 21 said. 22 Q. So you can get the statements from the time the 23 account was opened until August 17, 2017? 24 A. Well, I suppose, yeah, I mean, if I ask them, I don't 25 see why they would not give it to me.</p>

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1 Q. All right. And you said you also had a Bank of Hawaii
2 account?
3 A. Yes. When I was living in Hawaii, I was at Bank of
4 Hawaii.
5 Q. When did you close that out?
6 A. I don't think it's closed. I think there is maybe \$10
7 on it. I think it's still going on.
8 Q. Are you still receiving statements from them?
9 A. No.
10 Q. Did you change your address with them?
11 A. No. When I moved from Hawaii, I just move here and
12 start working in this gallery, and that's all I did.
13 I don't know how long I was going to stay here so.
14 Q. Did you contact the bank to find out how much it would
15 cost to get the statements?
16 A. No. Actually, I think, yeah, I think I did, and they
17 still -- I am not sure. Yeah, I'm not sure because I
18 have no idea.
19 Q. Now, we also asked that you provide copies of your
20 2012, '13, '14, '15, '16, and '17, when the '17 was
21 completed, copies of your federal and state income
22 taxes with all schedules, statements and worksheets.
23 You provided us with a copy of 2016 transcript from
24 the IRS, but none of the other 2012 through 2015 tax
25 returns. When you requested your 2016 transcript why

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1 be able to get the returns.
2 MS. GOLL: That's strange. Usually, they
3 just pull it by a social security number.
4 MR. KWIATKOWSKI: I agree, but we tried to
5 assist him to get the '15, I know, because that was
6 something that was required for the 341. And my
7 assistant was helping Mr. Marti with that, and he
8 literally, I think, went to Pontiac to try and pull
9 that return because we kept getting the -- not saying
10 there was no return on file, just saying the
11 information you provided doesn't allow us to give it
12 to you. We've sent a copy to Mr. Marti and to you, et
13 cetera, so I'm not sure.
14 BY MS. GOLL:
15 Q. Mr. Marti, did you do a form 4506 to request it?
16 A. They asked me to -- I think they asked me, yeah, they
17 asked me for my new address, and I provide it. But I
18 never receive anything else.
19 Q. Now, 44, had requested a detailed list of artwork
20 owned by you within the last six years, including
21 works by the debtor or by other artists. So you
22 haven't owned any artwork yourself in the last six
23 years?
24 A. No. I have paintings for my kids.
25 Q. Well, your answer was the only artwork owned by the

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1 didn't you also request the '12 through '15?
2 A. They told me they couldn't find me.
3 Q. They couldn't find -- what, your taxes?
4 A. Well, I ask -- no, I ask the IRS to provide me with
5 it, and they say that they couldn't find me.
6 Q. So did you actually file your tax returns in '12, '13,
7 '14 and '15, your personal returns?
8 A. Probably. I don't know.
9 Q. But the IRS couldn't find the returns?
10 A. Yeah, I provide you with the answer.
11 THE WITNESS: Remember they say, they give
12 me, they send me a letter saying that they couldn't
13 find my --
14 MR. KWIATKOWSKI: I think we provided it to
15 you.
16 MS. GOLL: He provided the '16, that was it.
17 THE WITNESS: But I think --
18 MR. KWIATKOWSKI: Okay. Well, we were -- we
19 had requested some of the other ones, and were going
20 back and forth with the IRS. So, it wasn't saying
21 that they -- and I'm going from memory --
22 MS. GOLL: Uh-huh.
23 MR. KWIATKOWSKI: -- it wasn't saying that
24 they didn't have returns on file, but there were
25 problems with the addresses matching up, et cetera, to

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1 debtor in the last six years are artwork done by his
2 children --
3 A. Yeah.
4 Q. -- none of whom are professional artists. The only
5 other artwork owned has been produced by the debtor
6 and the trustee is in possession of the list.
7 (Deposition Exhibit No. 29, June 7, 2015
8 List of Artwork, was marked for
9 identification.)
10 BY MS. GOLL::
11 Q. Now, is Exhibit No. 29 the list that you're talking
12 about?
13 MR. KWIATKOWSKI: Over here.
14 THE WITNESS: Okay.
15 BY MS. GOLL:
16 Q. It's Exhibit 29. It says Robert Kidd Gallery. And
17 the first page is dated June 7, 2015. It says list of
18 canvas prints by G. Marti owned by Robert Kidd
19 Gallery.
20 A. Yes.
21 Q. Okay. So these are the --
22 A. This is my work.
23 Q. This is the artwork. So you painted or produced all
24 of this and then gave it to the gallery?
25 A. Not exactly. All of this are print. So this is my

11 (Pages 41 to 44)

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1 artwork that I created, but there is no original.
 2 This is all print. So the print are paid by -- the
 3 printing is paid by the gallery. The framing is paid
 4 by the gallery. The shipping is paid by the gallery
 5 because some of these prints are made in Hawaii, to my
 6 old printer, because they have the file over there.
 7 So it's my work, but physically it's owned by the
 8 gallery. It's like, for example, if I design this
 9 pair of glasses, and, you know, and the gallery sell
 10 it. It's my design, but it's the gallery ownership.
 11 Q. So say, let me see, the list on here, where did it go?
 12 Thirty-four, no, no. Yeah, Ziggy Stardust. That's a
 13 picture of David Bowie dressed as Ziggy Stardust?
 14 A. Twenty-four?
 15 Q. Thirty-four.
 16 A. Let me see. Ziggy Stardust. No, that's -- I think
 17 this one is a set of four portraits of David Bowie in
 18 the make-up of Ziggy Stardust.
 19 Q. So it's four pictures on one sheet?
 20 A. Actually, no, four different sheets and it's printed
 21 on aluminum.
 22 Q. So you took the pictures of Bowie and then --
 23 A. No, I don't take the picture. I wish I were. I asked
 24 a photographer, called Mick Rock, who actually took
 25 this picture of David Bowie in the make-up to use his

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1 Q. So do you have any -- have you added any new canvas
 2 pictures, however you want, artwork --
 3 A. Yeah, prints.
 4 Q. -- since May 8, 2016?
 5 A. Yes. I do artwork every day.
 6 Q. See the list though is only through May 8th of 2016.
 7 It's not a current list that you're supposed to
 8 provide. Do you have a current list?
 9 A. Well, a list of what?
 10 Q. Of the artwork that you produced and then is in the
 11 gallery.
 12 A. Well, I don't have anything really new now. I mean,
 13 everything was in the gallery. All of this was
 14 created years ago. Like, for example, the
 15 Channel Five. I created this painting for Paris
 16 Hilton like six or seven years ago. She bought the
 17 original. And now, I'm making print. So, you know, I
 18 can make print any day of the week. You know, I don't
 19 know how to explain that.
 20 Q. No. I understand that you can just go and print off
 21 another one and put it up.
 22 A. Yeah, I just have to --
 23 Q. My question is -- you said you've been adding to it,
 24 adding new artwork.
 25 A. Yes.

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1 pictures to do some artwork, and he authorized me, and
 2 I did.
 3 Q. So he sent you the pictures and then you have them
 4 scanned somewhere and do the artwork?
 5 A. Basically, yeah. We have them scanned, and I change
 6 the color. I do some artwork on it, and we print it.
 7 I mean, the gallery print it and the gallery sell it.
 8 Q. But you're the one that has the rights to the
 9 pictures?
 10 A. No. Mick Rock has the right. He owned the pictures.
 11 Q. Well, Mick Rock gave you the right to use it in your
 12 art?
 13 A. Yes, yes. He owned the copyright.
 14 Q. Okay. And he gave you the authorization to use it.
 15 Not the business?
 16 A. Yeah, I have to ask authorization to the person, to
 17 the photographer.
 18 Q. The next page is the same list dated May 8, 2016.
 19 A. Uh-huh.
 20 Q. That's the last year we have for the list. The next
 21 one we have it's 2014. Now, is this still an accurate
 22 list? Because, like, it says number 27 is sold,
 23 number 28 is sold.
 24 A. Wait, wait, wait. Twenty-seven -- yeah, this one was
 25 sold. Yeah, this is two print were sold, yeah.

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1 Q. Since May 8th of 2016.
 2 A. Yes.
 3 Q. But I don't have a list -- you're supposed to provide
 4 a list of that.
 5 MR. KWIATKOWSKI: There's pictures of all
 6 his work that's in the gallery. That's part of the
 7 pictures.
 8 THE WITNESS: Yeah.
 9 BY MS. GOLL::
 10 Q. Okay. Well, you understand a picture of something is
 11 different than a --
 12 A. Well, for example, okay, I understand your question
 13 now. There is a difference between creating the
 14 artwork and make the reproduction. So, for example,
 15 right now, I am working on a couple of painting in my
 16 house -- well, I'm not finished. So it's my artwork,
 17 but it's not finished yet. So it's not part of this
 18 list because it's not finished yet.
 19 Q. When you produced the Channel #5.
 20 A. Yes.
 21 Q. So you produced it. Then the gallery prints it off,
 22 puts it on canvas, frames it, and hangs it in the
 23 gallery.
 24 A. Yes.
 25 Q. Do you get paid for you having been the one to produce

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1 this artwork?
 2 A. I should, but I am not because the gallery owe money
 3 to a bunch of people, and I have to pay them first
 4 before they pay me. Like, normally, when the gallery
 5 sell one of my print, I should get paid, but I'm not
 6 because the gallery is behind payment to its artists,
 7 and a lot of other things, like, you know, rent, for
 8 example. So I cannot really pay myself.
 9 Q. Okay. So when was the last time that you got paid for
 10 your artwork?
 11 A. In this business, never.
 12 Q. You've never been paid.
 13 A. Yeah, in Hawaii, when I was in my other gallery, but
 14 not this one. You know, when we took this gallery
 15 over, the gallery was already in debt with some
 16 artists. So, I never was able. That's why my -- if
 17 you look at my salary, it's miserable because I cannot
 18 take any more money than that.
 19 Q. So you've never been paid for the artwork that the
 20 gallery sells, Robert Kidd Gallery sells, and you
 21 don't take any more money than your salary because the
 22 business owes debt, correct?
 23 A. Yes. I owe almost \$200,000 to five or six different
 24 artists that we haven't paid yet.
 25 Q. Almost 200,000?

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1 Q. So that wasn't there when you signed this?
 2 A. I don't even understand. I cannot even read it. What
 3 is it?
 4 Q. I think it says --
 5 A. Can you read it?
 6 Q. -- item pledged, see Statement of Financial Affairs.
 7 So that wasn't there when you signed the affidavit?
 8 Have you seen that before?
 9 A. I don't remember. I don't understand what's written
 10 here. And I don't even understand what that mean.
 11 Q. Okay. All right. Do you have any memorabilia or
 12 collectibles that you have owned in the last six
 13 years?
 14 A. No, not personally.
 15 Q. Not personally? Okay. Now, do you have any
 16 consignments of your artwork? Have you consigned your
 17 artwork anywhere?
 18 A. Did I what?
 19 Q. Have you consigned your artwork anywhere?
 20 A. No.
 21 Q. What about the Townsend Hotel? Did you consign work
 22 there or did they purchase the work?
 23 A. No. It's not consigned and it's not purchased. It's
 24 a loan. The hotel direction (sic) asked me to -- if I
 25 could loan them -- the gallery could loan them some

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1 A. Well, I mean, all together, maybe not 200,000, but at
 2 least 150. I mean, there is --
 3 Q. Approximately 200,000 to artists.
 4 A. I would -- I mean --
 5 Q. Okay. That's fine.
 6 A. Approximately.
 7 Q. Approximately. We don't need a round number, just,
 8 okay. All right.
 9 Now, I also asked for a detailed list of all
 10 memorabilia and collectibles owned by you within the
 11 last six years. It says, "None owned by the debtor."
 12 And then there's something written next to it. Is
 13 that your writing? We're back on Exhibit 2. Sorry.
 14 It'll say Page 7 of 10 at the bottom of the exhibit.
 15 And it's number 45.
 16 A. That's not my writing.
 17 Q. That's not your handwriting?
 18 A. No.
 19 Q. Have you seen that handwriting before or that --
 20 whatever's written there?
 21 THE WITNESS: This is your handwriting,
 22 Scott?
 23 MR. KWIATKOWSKI: Yeah.
 24 THE WITNESS: Okay.
 25 BY MS. GOLL:

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1 artwork for the back lobby and for some area in the
 2 hotel. And we did because it's advertising for us.
 3 And the condition that I stipulate was that in the
 4 arrangement of things there is a brass plate saying
 5 that this artwork is available at Robert Kidd Gallery,
 6 and that's what it is.
 7 Q. All right. Now, you haven't consigned any artwork.
 8 Have you consigned any other, like, memorabilia, or
 9 collectibles, or anything like that with anyone, you
 10 personally?
 11 MR. KWIATKOWSKI: What's that guy in
 12 Indianapolis, the doctor?
 13 THE WITNESS: Oh, yeah, but that's way
 14 before that.
 15 Yeah, there is one of my debtors -- or one
 16 of my what?
 17 BY MS. GOLL::
 18 Q. Creditors?
 19 A. What?
 20 Q. Creditors.
 21 A. Creditors, yeah. Dr. Michael Bojkovic who have some
 22 artwork that I own as a collateral. Because at some
 23 point, when I was living in Hawaii, he was trying to
 24 be partner with me in my gallery in Hawaii, and he
 25 helped me with some money because I was back in my

13 (Pages 49 to 52)

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1 rent at the time. And as a collateral, he took some
2 artwork that I used to own.
3 Q. You used to own or still own?
4 A. I mean, well, actually, technically I still own it
5 because it's collateral, so I don't know --
6 What does that mean?
7 MR. KWIATKOWSKI: That's fine.
8 BY MS. GOLL:
9 Q. All right. And what does he have of yours?
10 A. He has a microphone used by John Lennon to record the
11 album "Imagine." He have a few drawing by
12 John Lennon, and he have a few drawing by Miles Davis,
13 the jazz musician. And I think that's it.
14 Q. I'm sorry. What was the jazz musician's name?
15 A. Miles Davis.
16 Q. As soon as I said that, I realized, remembered. Okay.
17 Miles Davis.
18 Other than that, you don't have any other
19 artwork, memorabilia, collectibles, anything like that
20 that anyone else has that belongs to you?
21 A. No, there is a friend of mine who has some print in
22 his office in Birmingham, but it's not a consign.
23 Mine is a loan also. It's just the same thing. There
24 is a plate underneath saying -- he's a diamond dealer
25 so he have a lot of wealthy client come in and we

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1 as a debtor may not assume contracts that would
2 require any individual to perform personal services,"
3 and it cites 11 U.S.C. section 365(e), and a case
4 matter of Tonry; do you know what any of that means?
5 A. No.
6 Q. Did you write that?
7 A. No.
8 Q. And that would be the same for No. 53, No. 54, Twitter
9 and LinkedIn, it has the exact same language. You
10 didn't write any of that either?
11 A. No.
12 Q. And you don't understand what that means?
13 A. I have a vague idea that there was some judgment
14 before, and that's what's referred to. But, yeah --
15 Q. 11 U.S.C. section 365(c), do you know what that means?
16 A. I have no idea.
17 Q. Now, No. 55. It says "Proof of all income from
18 January 1, 2017, through present." And the answer is,
19 "All documents provided as disclosed in Schedule I."
20 And then it says, "The debtor has been receiving
21 assistance from his girlfriend; however, it is the
22 debtor's position (and IRS) position that gifts are
23 not income, 26 U.S.C. § 102."
24 Now, your girlfriend is giving you financial
25 assistance?

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1 display some of his artwork -- some artwork in his
2 office, and there is a plate underneath saying, you
3 know, that this artwork is available at Robert Kidd
4 Gallery, but it's a loan also. And I think he have
5 like five or six only.
6 Q. Okay. Now, have you sold any of your artwork that you
7 owned personally, any memorabilia or collectibles
8 yourself, that you personally owned, in the last six
9 years?
10 A. Yes.
11 Q. Okay. To who? And what?
12 A. To who?
13 Q. Yeah.
14 A. In the past six years?
15 Q. That you owned. Not the gallery, but you owned
16 personally.
17 A. Yes. But that was before, when I was living in
18 Hawaii. I mean, since I moved to Michigan, and I took
19 over the Robert Kidd Gallery, no. I have sold pieces
20 before when I was living in Maui.
21 Q. All right. On page 8 of 10, of Exhibit 2, question
22 number 52 asks about the Facebook page login and
23 password for your personal Facebook page. And the
24 answer says that it's on public setting, you can look
25 everything up yourself. But then it goes into, "just

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1 A. Yes.
2 Q. About how much does she give you each month?
3 A. I don't know. It depending. My girlfriend live in
4 Indiana. Her name is Karen Fox. She own a house in
5 Birmingham so she come to Birmingham, I would say,
6 maybe once a month or twice a month because she's a
7 yoga teacher and she give yoga class at the studio
8 next to my gallery. When she's here she like to eat
9 out and she like to go shopping and everything, and
10 because she's a lady, she doesn't like to pay the
11 bill. So I pay the bill with money that she give me
12 to take her out basically.
13 (Discussion off the record.)
14 BY MS. GOLL:
15 Q. So she's only here once or twice a month?
16 A. Yeah, I mean, sometime more. Depending on her
17 schedule for the class. She gives classes. She own a
18 yoga studio and she gives classes too. So when she
19 comes to visit, she comes to Birmingham, we hang out
20 together and we go out for dinner. And because I'm
21 broke, I cannot pay for dinner, she lends me the money
22 to pay for dinner and whatever we do.
23 Q. Now, so when she comes once or twice a month, is that
24 when she gives you the money or does she send it?
25 A. Anytime when she feel like it.

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<p style="text-align: right;">Page 57</p> <p>1 Q. So does she do wire transfers to you?</p> <p>2 A. Sometimes she does wire transfers, sometimes she give</p> <p>3 me a check. Like, I can tell you that she give me</p> <p>4 about a \$1,000 last week because I was short for my</p> <p>5 rent, and she's coming next week, and she wants to go</p> <p>6 to a new restaurant that just opened, Prime & Proper,</p> <p>7 or something</p> <p>8 Q. All right. Now, you said, she lends you the money.</p> <p>9 Is she lending you the money or is she just giving you</p> <p>10 the money?</p> <p>11 A. Well --</p> <p>12 Q. Do you have to pay it back?</p> <p>13 A. No.</p> <p>14 Q. So she's giving -- it's gifts?</p> <p>15 A. I guess, yeah.</p> <p>16 Q. Just so it's clear because we had said gifts, and then</p> <p>17 you said something about lending you the money.</p> <p>18 A. No, it's not a loan. It's not a loan. Yeah.</p> <p>19 (Deposition Exhibit No. 3, Voluntary</p> <p>20 Petition for Individuals Filing for</p> <p>21 Bankruptcy, was marked for identification.)</p> <p>22 BY MS. GOLL:</p> <p>23 Q. All right. Let's move on to Exhibit 3. This is going</p> <p>24 to -- well, do you recognize Exhibit 3?</p> <p>25 A. A Voluntary Petition for Individual Filing. Yes, yes,</p>	<p style="text-align: right;">Page 59</p> <p>1 schedules and statements where it was required to</p> <p>2 sign?</p> <p>3 A. Yeah.</p> <p>4 Q. All right. Now, you said everything was truthful and</p> <p>5 accurate at the time you signed it. Has anything</p> <p>6 changed or is everything still the same?</p> <p>7 A. Yeah, I guess, yeah. I mean --</p> <p>8 MR. KWIATKOWSKI: We did some amendments.</p> <p>9 MS. GOLL: The amendments. Actually, I</p> <p>10 think I got those too. Way too much paper. I don't</p> <p>11 have amendments in here. That's strange.</p> <p>12 BY MS. GOLL:</p> <p>13 Q. Other than the amendments that you did, everything</p> <p>14 else was truthful and accurate?</p> <p>15 A. Yes.</p> <p>16 Q. All right. So let's go through this, really quickly,</p> <p>17 let's go to page 10 of 54.</p> <p>18 MR. KWIATKOWSKI: Down here it tells you the</p> <p>19 page.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. GOLL:</p> <p>22 Q. Starting on page 10 it's Schedules A and B, indicates</p> <p>23 you don't own any real property; is that correct?</p> <p>24 A. Yes, it is correct.</p> <p>25 Q. No land that you own, or a residence, or a building,</p>
<p style="text-align: right;">Page 58</p> <p>1 yes.</p> <p>2 Q. Now, this is the bankruptcy Petition, Schedules and</p> <p>3 statements that were filed for your bankruptcy.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Did you review this document with your attorney before</p> <p>6 you signed it?</p> <p>7 A. I read it. I mean, I look at the answer, yeah.</p> <p>8 Q. And was everything truthful and accurate at the time</p> <p>9 you signed it?</p> <p>10 A. As far that I know it is.</p> <p>11 Q. And did you sign it? This one won't be signed. It'll</p> <p>12 just say S/S, if you look at page 5, no, page 6 of 54.</p> <p>13 A. Yes.</p> <p>14 Q. You can see in Part 7, it says, S/S or /S/ --</p> <p>15 A. Actually, Voluntary Petition, yeah.</p> <p>16 Q. Yeah. And did you sign that? That one won't --</p> <p>17 A. Am I the debtor?</p> <p>18 MR. KWIATKOWSKI: Let's see.</p> <p>19 BY MS. GOLL:</p> <p>20 Q. Here.</p> <p>21 A. Yeah, okay.</p> <p>22 Q. Is that your signature on that document he's showing</p> <p>23 you?</p> <p>24 A. Yeah, that's my signature.</p> <p>25 Q. All right. And you signed the other pages of the</p>	<p style="text-align: right;">Page 60</p> <p>1 or anything here in the United States?</p> <p>2 A. (Shaking head.)</p> <p>3 Q. You're shaking your head.</p> <p>4 A. Yeah. No. That's right. Yeah. No.</p> <p>5 Q. What about any land, real property, residence,</p> <p>6 buildings or anything like that, condo, stuff like</p> <p>7 that, outside of the United States?</p> <p>8 A. No.</p> <p>9 Q. In France or any other country?</p> <p>10 A. No.</p> <p>11 Q. Now, it indicates on here, Part 2, Question No. 3,</p> <p>12 that you don't any cars, vans, trucks, tractors,</p> <p>13 sports utility vehicles or motorcycles.</p> <p>14 A. Yes.</p> <p>15 Q. You don't have any interest, legal interest, or</p> <p>16 equitable interest; your name's not on any titles to</p> <p>17 any vehicles? You haven't bought anything and not</p> <p>18 titled it?</p> <p>19 A. Not any more. My car was sold at this auction and</p> <p>20 same thing for my motorcycle.</p> <p>21 Q. What kind of motorcycle was it?</p> <p>22 A. It was a Kawasaki.</p> <p>23 Q. Kawasaki. Okay. And you haven't had any vehicles</p> <p>24 since you moved here to Michigan?</p> <p>25 A. No. I use, on the summer, I use a motorcycle that my</p>

15 (Pages 57 to 60)

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<p style="text-align: right;">Page 61</p> <p>1 friend lend me. I have a friend called Molly Dickston 2 who have a little Sportster Harley Davidson that she 3 doesn't ride because she's scared of it. And sometime 4 I use it, in the summer only, but it is not mine. 5 It's under her name. Everything's in her name, 6 insurance, everything. 7 Q. Okay. You said Molly Dickston? 8 A. Molly Dickston. She work for Lamborghini. 9 Q. And Dickston is D-I-C-K-S-T-O-N? 10 A. Yeah, I think it's in my phone, but yeah, it should be 11 Dickston. 12 Q. And Molly? 13 A. Molly, yeah. 14 Q. Is she actually Martha Dickston? 15 A. Martha? 16 Q. Martha. 17 A. I think that's her mom. That's her mom. 18 Q. Martha Dickston is her mom, not her? 19 A. Well, I know her under the name of Molly. 20 Q. Molly, she goes by Molly? 21 A. She goes by Molly, yeah. She have a mom, and I'm not 22 sure if her mom's name is Martha or something else. 23 Q. But she owns the Harley that you've been -- that you 24 use? 25 A. She owns the Sportster that I use, yes.</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. I'm sorry. 2 A. I don't drive. 3 Q. You don't drive? 4 A. No. 5 Q. Do you have a driver's license? 6 A. I have a driver's license, but I don't like to drive. 7 Q. All right. Let's see. Now, on the next page, page 11 8 of 54, it's No. 8, it says "Collectibles of Value, 9 antiques and figurines, paintings, prints or other 10 artwork, books, pictures or other art objects, stamps, 11 coin or baseball card collections, other collections, 12 memorabilia or collectibles." You have down, "No." 13 MR. KWIATKOWSKI: Well, the amendment has 14 some things that would -- one I have listed under 14, 15 which is one original painting. 16 MS. GOLL: Okay. We haven't -- we're not 17 talking about 14 though. 18 MR. KWIATKOWSKI: Right, but that's where I 19 listed it. It should've gone there. I don't know why 20 it didn't, but I have -- 21 MS. GOLL: So on the amendment, the one 22 original painting, that's the only collectibles that 23 you, or artwork or anything like that you have? 24 MR. KWIATKOWSKI: That I put under patents 25 copied because I didn't know where to put it. It was</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Okay. But it's not yours? 2 A. Nope. 3 Q. She didn't give it to you? 4 A. No. I'm using it only. 5 Q. I've got to ask these questions. She didn't give it 6 to you? 7 A. No. 8 Q. You didn't purchase it for her -- from her? 9 A. No. No. 10 Q. And that's a Harley. So you just use it in the 11 summer? 12 A. Yeah, she buys this motorcycle like a few years ago, 13 and the first time she use it, she fell. So she's 14 scared of using it and sometimes she let me use it. 15 Q. Sometimes she lets you use it. When was the last time 16 you used it? 17 A. The last time of sunshine and, I mean, probably, you 18 know, on the end of the summer. The last time I use 19 it was probably the last time that it was warm enough 20 to use it. I don't remember the date. 21 Q. September, October, November, I mean, what month? 22 A. September maybe because the weather was still clement. 23 Q. All right. So other than using the Harley, have you 24 used any other vehicles? 25 A. No. I don't drive.</p>	<p style="text-align: right;">Page 64</p> <p>1 copyrights and prints because I don't consider prints 2 to be -- I guess it was my definition of prints 3 because they're really just scans in a computer. 4 MS. GOLL: What number are you talking 5 about, sorry? 6 MR. KWIATKOWSKI: You won't see it unless 7 you're looking at that number. 8 MS. GOLL: Wait, no, but what number are you 9 talking about? 10 MR. KWIATKOWSKI: I have it under 26. 11 Schedule of copyrights on debtors original artwork, 12 and I kind of and schedule of various prints on 13 display at R. Kidd Gallery, and I think I did -- 14 BY MS. GOLL: 15 Q. Do you have the patent, copyright? Do you have the 16 trademark, copyright, patents, for those prints that 17 are on display? 18 A. Well, I own the copyright because I am the creator. 19 But, yeah -- 20 Q. Do you have actual copyrights? 21 A. What do you mean by that? 22 Q. Well, did you actually copyright them? You say well 23 you have one because you're the one that produced the 24 prints, but did you actually go somewhere and set up a 25 copyright?</p>

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1 A. No. I am in the process of doing that actually. I am
2 looking for a copyright lawyer to protect all of the
3 design that I did because I don't have one right now.
4 Q. How many prints do you think that you have? Because
5 you've got that list in the back, but you said you've
6 added -- you've produced more stuff.
7 A. Well, I might have released two or three new prints
8 since this list. I don't think much more than that.
9 And --
10 Q. And how much do you think those are worth?
11 A. To who?
12 Q. Well, you know what, what we'll do is, we'll go
13 through that list again, and we'll see how much you're
14 selling each of the prints for and all that. We'll do
15 that when we get to it.
16 A. Well, to answer your question, it's the same thing
17 again. I mean, like, if I create something, the
18 gallery will print it, you know, frame it and sell it.
19 You know, so.
20 Q. Well, we'll go over how much they sell each of them
21 for. So --
22 MR. KWIATKOWSKI: Or not sell, since they're
23 on the list.
24 MS. GOLL: Well, he says he produces more of
25 them once they're sold. So --

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1 storage, but they are gone now. It was auctioned.
2 Q. Let's see. All right. Still on page 11 for 12. You
3 have a knockoff Audemar's watch?
4 A. Yes. I thought it was real for a few years, but.
5 Q. Oh, okay.
6 A. Yeah, somebody gave it to me for my birthday and I
7 thought it was real. And on the end, I find out it
8 was like a --
9 Q. Like a Folex? Like a fake one?
10 A. Yeah, a fake one.
11 Q. All right. Let's see. Now, how much did you purchase
12 Velvet Dog -- Velvet Bulldog, LLC, doing business as
13 Robert Kidd Gallery? How much did you purchase that
14 for?
15 A. From my former partner?
16 Q. Yes. What was the purchase price, I should say?
17 A. Well, I don't know exactly how to answer this question
18 because --
19 MR. KWIATKOWSKI: Because it's --
20 THE WITNESS: -- I am still paying for it.
21 BY MS. GOLL:
22 Q. Well, right, I understand you're still paying for it.
23 How much was the total amount that you will have paid
24 once it's paid off?
25 A. Okay. Probably --

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1 THE WITNESS: Well, what I do on limited
2 editions -- so for example, if you come to the gallery
3 right now, there is a bunch of my work on the wall for
4 sale. And let's say that, you know, you like Led
5 Zeppelins or maybe you like David Bowie. So you're
6 going to buy the David Bowie I have on the wall. I'm
7 going to sell it you. I mean, the gallery's going to
8 sell it to you, and we're going to ship it you, or
9 you're going to take it. Then I'm going to print
10 another one. And I'm going to number it and sign it,
11 and it's going to available again until the edition is
12 completely sold out.
13 BY MS. GOLL:
14 Q. Okay. Let's see, so other than what we just talked
15 about, the one original painting from I believe it was
16 your daughter?
17 MR. KWIATKOWSKI: No.
18 THE WITNESS: No. That's mine. I did.
19 BY MS. GOLL:
20 Q. That's yours? All right. One original painting that
21 you did. And you don't have any other -- well, we've
22 got the copyright pending. But you don't have any
23 other collections, memorabilia, collectibles,
24 paintings, artwork, anything like that?
25 A. No. I used to have some pieces in Hawaii, in my

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1 MR. KWIATKOWSKI: You got to ask the
2 question a different way because you asked in two
3 different ways.
4 BY MS. GOLL:
5 Q. What was the purchase price of the business?
6 MR. KWIATKOWSKI: Well, if you look at the
7 document, and I know you have, it's -- that question
8 you asked him, what was the purchase price of the
9 business, and then how much would you have paid for
10 the business.
11 BY MS. GOLL:
12 Q. How much did you pay for the business?
13 MR. KWIATKOWSKI: That's two different
14 questions.
15 BY MS. GOLL:
16 Q. How much was the purchase price of the business?
17 A. I don't remember. I know that I'm paying Jennifer, my
18 partner, \$3500 a month. And I think the total was
19 maybe 120,000, a hundred and something.
20 (Deposition Exhibit No. 11, Velvet Bulldog,
21 LLC, Membership Interest Purchase Agreement
22 and Release, was marked for identification.)
23 BY MS. GOLL:
24 Q. Well, let's turn to Exhibit 11 then.
25 A. Oh, here it is. Yeah.

17 (Pages 65 to 68)

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1 Q. Now, it looks like you were supposed to pay off a
2 Chase credit card.
3 A. I am paying it.
4 Q. Well, I'm just looking at this -- that you had
5 promised to repay the credit card payments of
6 \$40,240.78.
7 A. Yes.
8 Q. And then you also had to pay back loans that had been
9 made to the company of \$123,931. And then \$10, an
10 additional \$10. And then it talks about, it says that
11 you had tendered the purchase price. I don't see
12 where the purchase price is anywhere.
13 A. Well, it seems to me that the purchase price was \$10.
14 MR. KWIATKOWSKI: In C, it's define the
15 purchase --
16 MS. GOLL: Oh, it is. I'm sorry. I was
17 looking at the other stuff.
18 BY MS. GOLL:
19 Q. So the purchase price was \$10 plus the repayment of
20 the 164,000?
21 A. Yes.
22 Q. Okay.
23 MR. KWIATKOWSKI: And I just wanted to make
24 it clear. I wasn't trying to be difficult, but I just
25 wanted to make sure --

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1 not what the document says either. It doesn't say the
2 business was worth that. It says the purchase price
3 was \$10.
4 BY MS. GOLL:
5 Q. The business to you was worth you paying, not just the
6 10 --
7 MR. KWIATKOWSKI: I'm going to object again
8 because he's not an accountant, and he can't testify
9 as to what it was worth.
10 Q. You in your --
11 MS. GOLL: I'm not asking him what the
12 market value is.
13 BY MS. GOLL:
14 Q. In your estimation --
15 MR. KWIATKOWSKI: I'm going to object again.
16 BY MS. GOLL:
17 Q. You thought that purchasing the business for \$10 plus
18 paying off the debt for the Chase credit card and the
19 Vinklareks, which total about 164,000, a little over
20 164,000, you thought that that was a good deal to
21 purchase the business?
22 A. Well, that was the only deal that was proposed to me.
23 I don't have the choice. My partner decide to get out
24 of the business because it was too much traveling for
25 her. She lives in Texas. And she was coming, you

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1 MS. GOLL: Yeah, no, no. That's fine.
2 MR. KWIATKOWSKI: Because it does, when you
3 ask the question what was the purchase price, it
4 doesn't really take into account what the real
5 purchase price -- because of the way they have the
6 term defined in the contract.
7 MS. GOLL: Right.
8 BY MS. GOLL:
9 Q. So it was basically a 120, or I'm sorry, a 164,000,
10 \$165,000, that you paid.
11 A. Yeah. I mean, I haven't paid. I'm paying.
12 Q. Well, that you agreed to pay for the --
13 A. I agreed to pay. Yeah. Yes.
14 MR. KWIATKOWSKI: Repayment of the loans.
15 The purchase price was \$10.
16 MS. GOLL: Right.
17 BY MS. GOLL:
18 Q. So you're still repaying the credit card payments and
19 the money that was loaned to Steven and
20 Jennifer Vinklarek.
21 A. Yes. And as we speak, I'm behind one month so far.
22 Q. All right. So it was in essence worth about 164,
23 \$165,000, when you bought the business in --
24 MR. KWIATKOWSKI: He's not an accountant.
25 I'm going to object. He can't answer that. That's

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1 know, like every month. So she decide to sell it to
2 me. She decide to sell it to me for \$10, and she
3 asked me to pay her back for the money she invested
4 originally. So that's what I'm doing.
5 Q. And you thought that was good deal to purchase the
6 business?
7 A. Well, I don't really thought it was a really good deal
8 because I bought a business full of debt, in debt, but
9 I didn't have the choice.
10 Q. Okay. Why'd you buy the business then if you thought
11 that it wasn't --
12 A. Because that's the way I make a living. I have no
13 other income. So, you know, I buy the business.
14 Q. Okay.
15 A. Well, it's not a bad deal and it's not especially a
16 good deal.
17 Q. Okay. But it wasn't a bad deal then?
18 A. No, and, you know, I don't have too much choice.
19 That's what she wanted, and I accepted because, you
20 know, we are friends.
21 Q. Now, you keep referring to her as your partner. Why
22 do you refer to her as your partner?
23 A. Because, I mean, in my language, a partner is somebody
24 that you work with. Now, in your language, partner
25 mean that I have ownership of the gallery, she's not

18 (Pages 69 to 72)

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1 my partner. But she's my partner in the sense of we
2 make decisions together. We decide which artist we
3 going to carry or not carry. We decide where we going
4 to advertise, not advertise. I give her, you know, I
5 advise her about running the business, but she own it
6 at the time.
7 Q. All right. Now, so -- go ahead.
8 A. I kind of got a sense where these questions are coming
9 from. When we first acquired the gallery, this
10 gallery's been in business in Birmingham since 1975,
11 so it was a very well known business. When we acquire
12 it, when the previous owner passed away, the gallery
13 produced -- are you listening to me?
14 Q. Yes, I'm listening.
15 A. The previous owner passed away. And that's why we buy
16 the -- I mean, she bought the gallery. When we took
17 the gallery over, there was an article in the
18 newspaper, in the local newspaper, saying that the
19 Robert Kidd Gallery was closed. So we scheduled some
20 interview with different magazine and newspaper to let
21 them know that the gallery wasn't closing. The
22 gallery was purchased and are going to stay open. And
23 because I'm the one who gives the interview to the
24 different newspaper and the reporter, or whatever,
25 writer, or whatever you want to call them, some of

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1 was this debt for?
2 A. Well, Deborah Barnes is a former girlfriend of mine.
3 Q. Okay.
4 A. At the time, when I met her, I had just got divorced.
5 Q. Uh-huh.
6 A. I was getting divorced. So it was in the middle of my
7 divorce. And at some point, I was put in a situation
8 that I have to pay a certain amount of money to my
9 ex-wife to be able to keep my business in Hawaii
10 because my ex-wife was moving. After my divorce, she
11 was moving to Los Angeles with my kid, and I was
12 staying in Hawaii. Because we co-owned the gallery
13 that we had in Hawaii at the time, she said, Well, are
14 you going to give me money to open another gallery in
15 Los Angeles, or are you going to sell this one, and
16 I'm going to take half of the money and I'm going to
17 open my own business in Los Angeles.
18 At the time, I was in a relationship with
19 Mrs. Barnes. Mrs. Barnes decide to give me the money
20 to give my wife for me to keep my business in Hawaii.
21 And she did. She give me, I think, a \$175,000. Which
22 I give to my wife, and my wife moved to LA and opened
23 her own business. And I was able, because of that, I
24 was able to keep my gallery in Hawaii.
25 Q. What gallery?

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1 them assumed that I was the owner, or part owner, and
2 that's what they wrote on the newspaper. They say,
3 you know, Jennifer Vinklerek and Gerard Marti,
4 partner, buys the gallery. But on paper, she was the
5 owner.
6 Q. Okay. But with you calling her partner, you can see
7 why people would think that you co-owned the building;
8 right?
9 A. I understand. Okay. Let me answer this question, if
10 you come in your gallery --
11 MR. KWIATKOWSKI: It's not a building. And
12 he's answered --
13 THE WITNESS: No, no --
14 BY MS. GOLL:
15 Q. The business. I'm sorry. The business. Okay.
16 Let's move on to exhibit -- let's move on to
17 Schedules E and F on the exhibit. It's going to be
18 page 22 of 54.
19 MR. KWIATKOWSKI: We're on three; right?
20 MS. GOLL: Yeah.
21 BY MS. GOLL:
22 Q. Twenty-two of 54.
23 A. Okay.
24 Q. All right. Up at the top, it says Deborah Barnes,
25 that you owe her 230,000 for a business debt. What

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1 A. It was called Celebrity Gallery. It's closed now.
2 Q. Celebrity?
3 A. Celebrity Gallery, yes.
4 Q. Okay.
5 A. And so in my understanding, Deborah Barnes was having
6 a romantic relationship with me, even though she was
7 married, and my understanding was that she just
8 decided to give me the money to help me. And that was
9 the original --
10 Q. That it was a gift.
11 A. -- then. Yeah, that it was a gift. Then, a few
12 later, after we broke up, and I think after her
13 husband find out about her affair with me, she decide
14 that she was going to look at it as a loan and she
15 asked me to repay the loan.
16 Q. Okay. Now, she had a judgment against you, didn't
17 she?
18 A. She does, yeah.
19 Q. Was it against you and the gallery both?
20 A. I don't know. I didn't even show up at the court date
21 because it was in Utah, and I was traveling in Europe
22 at the time and I don't even know, so.
23 Q. She sued -- does she live --
24 A. She sued me in Utah.
25 Q. Does she live in Utah?

19 (Pages 73 to 76)

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1 A. She live in Utah. She live in Salt Lake City. I
2 mean, not anymore, but at the time, she was living in
3 Salt Lake City.
4 Q. At the time she sued you?
5 A. She was married. I think now she's divorced. I'm not
6 sure. Honestly, I haven't talked to her in forever.
7 Q. At the time she sued you, though, she was living in
8 Utah?
9 A. At the time she sued me, she was living in Salt Lake
10 City, yes.
11 Q. Was she ever living in Hawaii?
12 A. No. She was going to vacation in Hawaii. That's
13 where we met.
14 Q. So she would just come down to Hawaii and you two
15 would get together and --
16 A. Yeah.
17 Q. All right. So she got a judgment against you, and now
18 it's about \$230,000?
19 A. Yes.
20 Q. Now, we'll get to it later on, but there's a
21 garnishment. She's the one that garnished you;
22 correct?
23 A. Yes.
24 Q. Okay. For that lawsuit?
25 A. Yes.

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1 business isn't liable on the debt; correct?
2 A. I guess, yeah.
3 MR. KWIATKOWSKI: Well, the business -- I
4 don't want to argue semantics, but the business would
5 still be liable because she loaned money to the
6 business, so the business still owes her money and he
7 is also on it.
8 MS. GOLL: But pursuant to the contract, he
9 owes her the money for the loans.
10 MR. KWIATKOWSKI: Right. That's why it's --
11 MS. GOLL: Right. Okay. Well, it just says
12 he's the only one that owes on Schedule F. It says
13 who incurred the debt, and it just says Debtor 1 only.
14 MR. KWIATKOWSKI: Yeah, I don't remember.
15 MS. GOLL: So I'm just making sure that that
16 is what --
17 MR. KWIATKOWSKI: Well, that's why we have a
18 check. It's contingent. Because if the business
19 doesn't make the payment, he's going to have to pay
20 it.
21 MS. GOLL: Pursuant to the agreement though,
22 he was paying that as part of the --
23 MR. KWIATKOWSKI: Well, it's a debt of the
24 business too, but, yeah.
25 MS. GOLL: But to purchase the business, he

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1 Q. Let's see. Now, on the next page, page 23 of 54, the
2 second creditor is Jennifer Vinklerek, \$123,931. What
3 is that? Is that for the payment for the purchase of
4 the business?
5 A. Well, yeah, that's the number that you saw on the
6 other page. That's what I'm paying everyone.
7 Q. Okay. But you owe that personally; correct? The
8 business doesn't --
9 A. No. I send a check to Jennifer every month from the
10 business.
11 Q. From the business.
12 A. Yeah. I don't have any money personally, so.
13 Q. But personally, you're the one that owes the debt, not
14 the business. You purchased the business from her?
15 A. Yes.
16 Q. In your name. You didn't sign the agreement as --
17 MR. KWIATKOWSKI: I don't recall. We'd have
18 to look.
19 BY MS. GOLL:
20 Q. It says between Gerard Noah Marti and Jennifer
21 Vinklerek.
22 And for the record, I'm looking at Exhibit
23 11, and it's just got your signature and her
24 signature.
25 So, you personally owe the debt, the

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1 was going to pay that off.
2 MR. KWIATKOWSKI: Yeah.
3 BY MS. GOLL:
4 Q. All right. And the next one is Kihai Maui Self-
5 Storage.
6 A. Yes.
7 Q. And this indicates that you owe \$2724.68. But it says
8 it's -- that it's an unsecured claim, but it says
9 other contents of items in storage. How many storage
10 units did you have?
11 A. I was having like two or three, maybe three or four
12 little unit, but, you know, it sold. It's all been
13 sold now.
14 Q. All the items were sold.
15 A. So, in fact, this money, I don't owe it anymore
16 because they sold my stuff and they pay themselves.
17 So this is --
18 Q. So this isn't a deficiency balance? This is --
19 A. Well, not anymore.
20 MR. KWIATKOWSKI: Because I don't know what
21 they got from the auction. So there could still be
22 money on it if they auctioned it off for \$50. Who
23 knows?
24 BY MS. GOLL:
25 Q. Did they ever send you after the --

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 A. Well, do you know how this thing work when you auction 2 a storage? 3 Q. Yeah. 4 A. You don't know what's in the storage space. You buy, 5 and if you're lucky there is some stuff in there, if 6 you're not lucky, there is nothing. 7 Q. But they haven't -- they sold the items, but they 8 haven't sent you a bill or an invoice saying we 9 received this amount for it, for the storage units, 10 and you still owe this? 11 A. No. They haven't, they haven't sent me anything. And 12 honestly, I believe that they get much more than that, 13 but they kept it, I guess. 14 Q. All right. Let's see, on the next page, page 24 of 15 54, Kekuo Seito. 16 A. Kekuo Seito, yes. This is a widow of one of our main 17 artists, and she's my main creditor, I think, I mean 18 besides Deborah Barnes, of course. Actually, this is 19 not accurate anymore. I owe her more than that. 20 Q. Why do you owe her more than that now? 21 A. Because we sold her husband's painting who passed away 22 last year. We sold the painting. 23 Q. Okay. So this is the business debt. It's for an 24 artist that you were selling a painting -- 25 A. Yeah.</p>	<p style="text-align: right;">Page 83</p> <p>1 THE WITNESS: She's an artist too. 2 MS. GOLL: Yeah, that wasn't a huge one 3 though, so. 4 BY MS. GOLL: 5 Q. Now, Schedule G, which is page 30 of 54. It says you 6 have a lease of a condo at 400 Southfield Road, 7 Birmingham, Michigan. 8 A. Yes. 9 Q. Unit 8? 10 A. Yes. 11 Q. Wait, hold on, it's not Southfield Road. I'm 12 confused. It's 400 Southfield, Unit 8, LLC. 13 A. No, no, that's 400 Southfield Unit 8, LLC, this is the 14 company who own the condo, and this is my landlord. 15 Q. Okay. So -- 16 A. My address is 400 Southfield Road, yeah, that's what 17 it is, yeah. 18 Q. All right. So the 400 Southfield Road, you actually 19 have the lease in your name? 20 A. Yes. Well -- yes, I think, yes. 21 Q. I don't remember seeing the lease agreement for that. 22 A. I remember providing it. 23 Q. I know I have the lease agreement for the business. 24 Let me see. 25 A. When I first moved, Jennifer Vinklarek and I was on</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Okay. Got it. Let's look at page 25 of 54. 2 Michael Bojkovic, B-O-J-K-O-V-I-C, Bojkovic. 3 A. Bojkovic. 4 Q. Seventy-five thousand dollars. 5 A. Yes. 6 Q. Is he an artist of yours also? 7 A. No, he's the gentleman that I talked to you about 8 earlier. The one who was trying to be partner with me 9 in my gallery in Hawaii. He helped me to pay back 10 rent, and he got collateral. He's the one who get the 11 John Elton microphone and all of the stuff that I 12 mentioned earlier. So he's not an artist, no. 13 Q. So this actually is a -- okay, so he has all of the 14 collectibles that you talked about as collateral for 15 the \$75,000? 16 A. Yes. 17 Q. How much do you think the collectibles that he has is 18 worth? 19 A. A little bit above this number here. I would say 20 probably 80,000 or 85,000. But you know, as 21 collectible, the longer you wait the more expensive 22 they would be. 23 Q. All right. 24 MR. KWIATKOWSKI: Mary Adkinson is an artist 25 also.</p>	<p style="text-align: right;">Page 84</p> <p>1 the lease. 2 MR. KWIATKOWSKI: Did you ask for it? 3 MS. GOLL: I think so. I always do. 4 MR. KWIATKOWSKI: I don't see it on here. 5 MS. GOLL: Let me see. Where's the personal 6 items? 7 MR. KWIATKOWSKI: I'm looking at the order. 8 It's not on the -- 9 (Discussion off the record.) 10 BY MS. GOLL: 11 Q. Let's move on here. Now, co-debtors, on Schedule H, 12 page 31 of 54. You have Colleen Marti. 13 A. That's my ex-wife. 14 Q. And Colleen Noah-Marti. Is that your ex-wife as well? 15 A. Yeah. That's my ex-wife as well. That's her maiden 16 name. 17 Q. Her last name was Noah before she -- 18 A. Well, her maiden name was Colleen Noah, and when we 19 get married, she decide to add my name, but keep her 20 name. So her name now is Colleen Noah-Marti. 21 Q. Isn't your middle name Noah though? 22 MR. KWIATKOWSKI: No, it's his son's name. 23 BY MS. GOLL: 24 Q. Oh, it's your son's name. Well, I saw somewhere. On 25 the divorce judgement actually, it said Colleen Noah-</p>

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1 Marti, and then it said Gerard Noah Marti.
 2 A. Yes. It's in my driver's license. Don't ask me why.
 3 I don't know why. I don't know why when we get
 4 married they put this name on my driver's license.
 5 Normally, I'm Gerard Marti, but in Hawaii, I am Gerard
 6 Noah Marti.
 7 Q. Okay. All right. Now, the next page which is
 8 Schedule I, IT indicates that you're self-employed at
 9 Robert Kidd Gallery. It says you make \$2000 a month.
 10 Is that a salary? Is it always 2000 or do you --
 11 A. It's a salary, yeah.
 12 Q. Okay. Two thousand a month.
 13 A. Yeah. You know what, I don't even know if I make
 14 \$2000 a month because my salary is \$700 every two
 15 weeks so that's 1400. Yeah.
 16 Q. Well, there's two months out of the year that have
 17 three pay periods, so.
 18 A. Oh, okay.
 19 Q. And then it has the only thing coming out is taxes,
 20 medicare and social security deductions. So your net
 21 is \$1595 a month?
 22 A. Yeah, yeah.
 23 Q. Now, when we look at schedule -- go to Schedule J
 24 which is the next schedule, it's 34 of 54, page.
 25 A. Uh-huh.

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1 Q. I mean, your son turned 18 yesterday --
 2 A. Yes.
 3 Q. -- so you're no longer paying child support, but
 4 you're still paying alimony; correct?
 5 A. Well, yeah, I still pay -- well, actually, my wife, my
 6 ex-wife, haven't collect any money. She asked me to
 7 just pay for child support. So I send her, you know,
 8 I haven't been really -- how can I say that? Really
 9 precise. I mean, you know, I send her money when I
 10 have some.
 11 Q. So you're not paying consistently?
 12 A. Consistently, exactly, that's what I was looking for.
 13 Q. Okay. How much is the alimony you're supposed to pay
 14 her?
 15 A. I don't remember.
 16 Q. How much was your child support?
 17 A. I don't remember the exact number. Basically, me and
 18 my ex-wife have our own business. So when she's doing
 19 well, she doesn't ask me for anything. And when she's
 20 not doing well, she asks me to send her some money.
 21 And when I can, I send, and when I cannot, I don't.
 22 Q. That's a very nice ex-wife.
 23 A. Well, we have a good relationship. I mean, yeah, we
 24 have a good relationship.
 25 Q. All right. Let's see. Now, on here, No. 12, it's

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1 Q. Now, it indicates at the time you filed you didn't
 2 have any dependents. But Noah, you were paying child
 3 support for him, weren't you?
 4 A. Yes.
 5 Q. Okay. So he would have been a dependent of yours?
 6 A. Yes.
 7 Q. Were you paying support to your ex-wife for alimony?
 8 A. Yes, yes.
 9 Q. As well, all right. Now, looking at this year, rent
 10 for the condo is 3100 a month?
 11 A. Yes.
 12 Q. Okay.
 13 A. Actually, yeah, I think it's now it's 32.
 14 Q. Thirty-two. Which is 17, well, \$1600 more than you
 15 bring home each month?
 16 A. Yes.
 17 MR. KWIATKOWSKI: That's why we put on
 18 there that, on I and on J about receiving financial
 19 support from his girlfriend.
 20 MS. GOLL: Well, I'm just -- I'm getting --
 21 BY MS. GOLL:
 22 Q. On the next page, which is a continuation of your
 23 expenses, I don't see anywhere where it has child
 24 support or alimony expense.
 25 A. Well --

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1 transportation, including gas, maintenance, bus or
 2 train fare. I guess they probably should now update
 3 that with cab or Uber, or whatever. But for
 4 transportation you have down zero. How do you get
 5 around?
 6 A. Well, this morning, Cody Franklin drive me here. Last
 7 night, she pick me up from the airport. And sometimes
 8 when I have to go somewhere which is not Birmingham, I
 9 go in an Uber.
 10 Q. But you don't have any expense down for that?
 11 A. Well, because the gallery pay for it because most of
 12 the time when I have to do a trip, for example, if I
 13 have to deliver a painting to a client in Bloomfield,
 14 or whatever, I call Uber. I load the painting in the
 15 back, and we deliver it, and he bring me back to the
 16 gallery. So it's a business expense.
 17 Q. Okay. I can understand for that. But what about
 18 personally, do you use Uber or any of the other car
 19 services to get around when you're going, say, out to
 20 dinner, that's not in walking distance?
 21 A. No, I mean, unless I ride with Karen Fox when she's
 22 here and we go to dinner somewhere downtown, and she
 23 have a car so she drive me. I walk to work because I
 24 live up the street. And most of the time, if I go
 25 somewhere, I ride with somebody. Yeah.

22 (Pages 85 to 88)

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1 Q. I'm sorry. Who was it you said that brought you here
2 today?
3 A. Cody Franklin.
4 Q. Cody, Cody, okay. I guess I didn't hear clear.
5 MR. KWIATKOWSKI: Can we take a break?
6 MS. GOLL: Actually, it's noon, so why don't
7 we do lunch?
8 MR. KWIATKOWSKI: That's fine.
9 THE WITNESS: Can I ask a stupid question?
10 Do you know approximately how long we're going to be
11 here because my gallery is closed right now. I don't
12 have any employee this morning.
13 MS. GOLL: We're probably going to be here
14 all day.
15 THE WITNESS: Are you serious?
16 MS. GOLL: Yeah.
17 MR. KWIATKOWSKI: Well, I have got to leave
18 at two.
19 THE WITNESS: So my business is closed
20 today.
21 MR. KWIATKOWSKI: I can maybe stretch it to
22 three.
23 MS. GOLL: Well, we're still on the record.
24 MR. KWIATKOWSKI: We can continue it and
25 that's fine, but I have got clients I have got to do.

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1 BY MS. GOLL:
2 Q. And then you get rides from friends or once in a while
3 will do Uber as well. Now, when you were using the
4 Harley, were you paying for the gas for it?
5 A. Yes.
6 Q. Anything else?
7 A. (Shaking head.)
8 Q. No? Okay. All right. Let's see, now, there's no
9 insurance down on your expenses for health insurance,
10 and there wasn't anything coming out for health
11 insurance on your Schedule I from your check. Do you
12 have health insurance?
13 A. Yes, it's a family plan with my ex-wife and my kid,
14 and that's what it is. Yeah. I am with HMSA.
15 Q. So she pays for that? Your ex-wife?
16 A. Yeah. Yeah.
17 A. I mean, it's in Hawaii.
18 Q. All right. Now, turning to page 37 of 54, on
19 Exhibit 3. It's a Statement of Affairs for your
20 bankruptcy. Now, the second question, it asks if you
21 lived anywhere other than where you're living now in
22 the last three years, and it indicates that you lived
23 in Waiwai, Hawaii.
24 A. No. This address 2680 Waiwai Place was an office
25 building that we used to have when I was living in

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1 MS. GOLL: Okay. If we continue it, we're
2 going to need to continue or definitely extend out the
3 deadline.
4 MR. KWIATKOWSKI: I'm fine with that.
5 MS. GOLL: Because I have got a lot of stuff
6 we need to get to.
7 MR. KWIATKOWSKI: I understand. That's why
8 I'm saying, let's just do like 20 minutes, or 10. I
9 don't need lunch.
10 THE WITNESS: I don't eat breakfast.
11 MR. KWIATKOWSKI: I just want to use the
12 restroom.
13 MS. GOLL: All right. How's this? We'll
14 get through the personal stuff and leave the business
15 till next time.
16 MR. KWIATKOWSKI: Well, let's get as much
17 done as we can by three o'clock. I'm good with that.
18 MS. GOLL: All right. Let's take a break
19 and go to the bathroom and all of that.
20 (Recess 11:55 a.m. - 12:03 p.m.)
21 BY MS. GOLL:
22 Q. We were talking about the business pays for your
23 Ubers, or yeah, the gallery, the business.
24 MR. KWIATKOWSKI: When he does business
25 trips.

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1 Hawaii, but it was not a house. It was an office
2 building.
3 Q. Okay. When you were living in Hawaii, where did you
4 live?
5 A. I live in a condominium, in a cottage, in a different
6 street, not too far from there, but in different
7 street.
8 Q. In Waiwai?
9 A. Excuse me?
10 Q. In Waiwai?
11 A. No, it was called Honoku (ph.), one of these Hawaiian
12 name --
13 Q. Honoku?
14 Q. All right. So it was right down from the office
15 building?
16 A. Yes.
17 Q. So you didn't live in Waiwai Place?
18 A. No. That was an office building and framing facility
19 there.
20 Q. And how long did you live in this cottage, from when
21 to when?
22 A. I moved there when I got divorced, and I lived there
23 until I moved to Birmingham. So probably two years, I
24 would say.
25 Q. All right. So probably around 2012 to 2014?

23 (Pages 89 to 92)

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1 A. Yeah, probably.
 2 Q. You did move to Michigan in '14; correct. I think
 3 that's what you said.
 4 A. Yeah, November '14, I think.
 5 Q. All right. Now, on Part 2 on the same page, Question
 6 No. 4. It asks about income from employment or from
 7 operating a business, and it indicates that from
 8 January 1st until the date of filing, which was
 9 November 15th, you received about 22,000 from the
 10 business. Was that your salary?
 11 A. Yes.
 12 Q. Okay. And then on the next page, it indicates in
 13 2016, your wages was \$24,923.
 14 A. Yes.
 15 Q. And then the year before that, 2015, it was 25,000.
 16 A. Yes.
 17 Q. Now, on the very first entry for January 1st through
 18 current, through the date of filing, it says operating
 19 a business. That was actually wages; right?
 20 MR. KWIATKOWSKI: Yes, sorry.
 21 MS. GOLL: All right. Just so it's clear.
 22 I assumed that, but you never want to actually assume.
 23 BY MS. GOLL:
 24 Q. Now, then it asked if you received any other income
 25 during the prior two years on Question 5 regardless of

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1 Really, I don't know.
 2 BY MS. GOLL:
 3 Q. All right. Now, on the next page, it indicates that
 4 you have paid creditors, or some creditors, more than
 5 \$600 in the last three months total. But it just says
 6 installment payments monthly, and then it says zero in
 7 lease payments. Do you know what this is for?
 8 A. No.
 9 MR. KWIATKOWSKI: Where he lives. He pays
 10 him every month, and it's for the lease payments. I
 11 don't know.
 12 THE WITNESS: You mean my rent?
 13 MR. KWIATKOWSKI: That's why I put monthly
 14 because it's hard to --
 15 MS. GOLL: Okay. But it says the creditors
 16 name is installment payments.
 17 MR. KWIATKOWSKI: Right. I always do that.
 18 That's how I always put down for installment payments,
 19 rather than listing every creditor that's an
 20 installment that he pays every single month. I always
 21 just list installment payments monthly.
 22 MS. GOLL: Well, you know it's supposed to
 23 be individual creditors; right?
 24 MR. KWIATKOWSKI: I have always done it this
 25 way, so.

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1 whether the income is taxable. And you have down for
 2 2016 that the business paid your rent and travel,
 3 \$3300?
 4 A. Yeah, when -- at some point, Jennifer, my former
 5 partner, was living in the same condominium. So she
 6 decide that she would pay the rent. The company would
 7 pay the rent, but that was for a certain time only.
 8 After that, she rent another place and --
 9 Q. So it was just a temporary thing for her to stay there
 10 when she came up?
 11 A. Yeah, she was staying there for like probably like a
 12 week every month when she was coming. Then after
 13 that, she decides she wants to live down the street so
 14 she rent another place.
 15 Q. All right. Let's see. Now, it says rent,
 16 transportation and travel. The transportation and
 17 travel, what did it pay for you personally there?
 18 A. I don't travel. I don't go anywhere.
 19 Q. So it was just supposed to be the employer paid rent?
 20 A. Yeah. Where is it?
 21 MR. KWIATKOWSKI: Employer paid rent,
 22 transportation and travel. Because you weren't the
 23 owner.
 24 THE WITNESS: Yeah, so transportation and
 25 travel. Maybe she pay for some Uber at the time.

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1 BY MS. GOLL:
 2 Q. So this is just for lease payments for where you live?
 3 A. Uh-huh.
 4 MR. KWIATKOWSKI: You have to say yes.
 5 THE WITNESS: Yes.
 6 BY MS. GOLL:
 7 Q. Which would be, let me find this, 400 Southfield?
 8 A. Yes.
 9 Q. So 400 Southfield, Unit 8, LCC, LLC, excuse me. And
 10 your monthly rent is how much?
 11 A. Thirty-two hundred now.
 12 Q. How much was it in November? Was it 31?
 13 A. Well, I think in the beginning it was 3,000. And
 14 every year he increase the rent so 31, 32, next year
 15 it's going to be 33.
 16 Q. So you paid 3100 per month for your rent?
 17 A. Yes.
 18 Q. Now, did you pay any other particular creditor \$600 or
 19 more in the three months before you filed?
 20 A. Do you consider my ex-wife as a creditor?
 21 Q. Yeah.
 22 A. So yes.
 23 Q. All right. So, and that's Colleen?
 24 A. Yes.
 25 MR. KWIATKOWSKI: So you paid her in

24 (Pages 93 to 96)

<p style="text-align: right;">Page 97</p> <p>1 October?</p> <p>2 BY MS. GOLL:</p> <p>3 Q. September, October, November.</p> <p>4 A. Like I said earlier, it's not regular. But, like, for</p> <p>5 example, you know, my son decided to take piano</p> <p>6 lessons. So my ex-wife said, well, can you help me</p> <p>7 with the piano lesson. I'm, like, yeah, of course,</p> <p>8 you know. I not going to say no.</p> <p>9 Q. All right. So you're not sure about how much it was,</p> <p>10 but you did pay her?</p> <p>11 A. Honestly, no.</p> <p>12 Q. All right. Would that be in the bank statements? Any</p> <p>13 payments that you made to her would they be</p> <p>14 reflected --</p> <p>15 A. Yeah, usually, I transfer, I do wire transfer.</p> <p>16 Q. All right. Let's see.</p> <p>17 MR. KWIATKOWSKI: That wouldn't even have</p> <p>18 been on a debt though, if he was paying for piano</p> <p>19 lessons.</p> <p>20 MS. GOLL: Piano lessons, no. But if it was</p> <p>21 part of child support or alimony, yeah. So we'll --</p> <p>22 MR. KWIATKOWSKI: Depends.</p> <p>23 BY MS. GOLL:</p> <p>24 Q. All right. So No. 9, on page 39, it says that any</p> <p>25 lawsuits within the last year. It says, Levin and Hu,</p>	<p style="text-align: right;">Page 99</p> <p>1 MS. GOLL: When you did the amendments, I</p> <p>2 don't remember seeing --</p> <p>3 MR. KWIATKOWSKI: There wasn't enough money</p> <p>4 to go --</p> <p>5 MS. GOLL: Well, you still list -- it's</p> <p>6 still an asset so.</p> <p>7 MR. KWIATKOWSKI: It's not an asset if we</p> <p>8 can't recover it. It's an asset for the trustee if</p> <p>9 they think they can recover it, but he has no claim in</p> <p>10 those funds because it's a \$5,000 preference limit.</p> <p>11 MS. GOLL: Five thousand dollar preference</p> <p>12 limit?</p> <p>13 MR. KWIATKOWSKI: Yeah.</p> <p>14 MS. GOLL: No.</p> <p>15 MR. KWIATKOWSKI: Maybe six.</p> <p>16 MS. GOLL: Six hundred.</p> <p>17 MR. KWIATKOWSKI: No, it's a business case.</p> <p>18 MS. GOLL: But this isn't a business debt.</p> <p>19 MR. KWIATKOWSKI: It doesn't have to be. If</p> <p>20 it's primarily a business debt, and the case is a</p> <p>21 business case, the preference limit is five thousand</p> <p>22 eight hundred and some change.</p> <p>23 MS. GOLL: Well, it's a question -- well,</p> <p>24 never mind, I don't want to get into that now.</p> <p>25 BY MS. GOLL:</p>
<p style="text-align: right;">Page 98</p> <p>1 LLP.</p> <p>2 A. Yeah, that's my former -- that's me and my ex-wife</p> <p>3 former CPA in Hawaii, Levin and Hu. After I moved</p> <p>4 from Hawaii here, they send me a bill, like, a</p> <p>5 retroactive bill for, like, \$8,000. After</p> <p>6 examination, it seems like my original bill with them</p> <p>7 that I hadn't paid was 2500, but because they couldn't</p> <p>8 find me for two years because I move, they add like</p> <p>9 fees and it ended up being like \$8,000, I think, or</p> <p>10 maybe even more.</p> <p>11 Q. All right. Then Question 10 asks if anything was</p> <p>12 repossessed, foreclosed, garnished, attached, seized</p> <p>13 or levied within the last year before you filed</p> <p>14 bankruptcy. And Deborah Barnes is there for the</p> <p>15 garnishment, \$183.88 out of your wages every week.</p> <p>16 A. Yes.</p> <p>17 Q. Every two weeks, excuse me.</p> <p>18 MR. KWIATKOWSKI: I think part of the</p> <p>19 amendment I added some additional things on the</p> <p>20 storage unit.</p> <p>21 MS. GOLL: Yeah, we'll check the amendment</p> <p>22 after we're done here.</p> <p>23 BY MS. GOLL:</p> <p>24 Q. Now, I don't recall seeing a garnishment on</p> <p>25 Schedule B.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. And the next thing is Kihai Maui Self-Storage. It</p> <p>2 says that it was in July or August of 2017. Is that</p> <p>3 when they did the sale?</p> <p>4 A. Yeah. I don't remember exactly the date, but I think</p> <p>5 I send you -- I provide the letter where they send me</p> <p>6 saying that my storage are going to be sold out as an</p> <p>7 auction if I don't pay before a certain date, and I</p> <p>8 couldn't pay so they did it. It might have been July,</p> <p>9 yeah, honestly, I'm not sure.</p> <p>10 Q. All right. And there was a 2003 Cadillac in there?</p> <p>11 A. Yeah.</p> <p>12 Q. What kind of Cadillac?</p> <p>13 A. It was an Escalade.</p> <p>14 Q. And a Kawasaki motorcycle?</p> <p>15 A. Yes.</p> <p>16 Q. And then artwork produced by you?</p> <p>17 A. Yes.</p> <p>18 Q. Clothes and paperwork?</p> <p>19 A. Yeah.</p> <p>20 Q. Anything else?</p> <p>21 A. No. Like I said earlier, my family pictures and</p> <p>22 personal belongings, stuff like that. And a lot of</p> <p>23 banker box. I remember having an entire wall of</p> <p>24 banker box with a bunch of records and it's all gone.</p> <p>25 Q. Now, on No. 13, it says within two years before you</p>

25 (Pages 97 to 100)

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1 filed bankruptcy, did you give any gifts with a total
2 of \$600 or more per person. And it says, No. Is that
3 accurate?
4 A. It is depending on what you call a gift.
5 Q. A gift is you give somebody something without the
6 intent -- without them giving you anything in return,
7 and you don't expect to be paid for it.
8 A. Okay. So, when my daughter, for example, when my
9 daughter call me and ask me for a couple of hundred
10 dollars because she's short to pay a yoga class, or
11 whatever, this is a gift?
12 Q. If you give her the money, yes.
13 A. Okay. So yeah, once in a while --
14 Q. I mean, did you expect her to pay it back?
15 A. No.
16 Q. That's a gift.
17 A. So other than that, I haven't gift anybody. But,
18 yeah, sometime I send some money to my daughter
19 because she call and ask. But it's never a huge
20 amount of money. So it's always like, you know,
21 hundred dollar, or two hundred dollar.
22 Q. Which daughter?
23 A. Tatiana.
24 MR. KWIATKOWSKI: Is that the one here or in
25 France?

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1 THE WITNESS: That's the one in Los Angeles.
2 No, the one in France, she's married. She's self-
3 sufficient. My daughter, Tatiana, she's not self-
4 sufficient right now.
5 BY MS. GOLL:
6 Q. All right. Let's see. On the next page, 41 of 54,
7 Question 16, it asks if you paid anyone within the
8 year before you filed bankruptcy for bankruptcy, any
9 attorneys, or anyone preparing bankruptcy, petition
10 preparers, anything like that. And it indicates that
11 you paid Goldstein, Bershad & Fried, attorney fees in
12 October.
13 A. Yes.
14 Q. \$5526, which included \$2500 as a retainer for the
15 bankruptcy, and the balance for state court review and
16 analysis of business. So only 2500 of it was for your
17 personal bankruptcy? Is that what I'm getting, and
18 the rest was for state court work?
19 MR. KWIATKOWSKI: That's what it says.
20 Reviewing of all --
21 MS. GOLL: I'm asking your --
22 MR. KWIATKOWSKI: Well, you're looking at
23 me.
24 THE WITNESS: Well, yes, I guess. I mean,
25 you know, this is what I pay Scott for to help me with

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1 the bankruptcy so.
2 BY MS. GOLL:
3 Q. Were you considering putting the business in
4 bankruptcy?
5 A. No. I'm filing for personal bankruptcy.
6 Q. All right. Page 42 of 54. It says "Have you stored
7 property in a storage unit or place other than your
8 home within one year before you filed bankruptcy." It
9 says yes, and the only thing on here is
10 Michael Bojkovic.
11 MR. KWIATKOWSKI: We amended that also. It
12 had the storage unit and also the printer, but I
13 didn't have the address.
14 THE WITNESS: Can I ask a technical
15 question? Can I ask a question? This
16 Michael Bojkovic, for example, he have like some item
17 on collateral for the money that he lend me at the
18 time. Do you consider this being my property? Or
19 since I haven't been able to pay him back his money,
20 is it his property?
21 BY MS. GOLL:
22 Q. Do you have a written agreement with him?
23 A. No.
24 Q. And how did he come by your stuff?
25 A. Well, because he was a client of mine, and he was

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1 trying to be my partner at some point. So he used to
2 come in my gallery in Hawaii, and when I ask him for
3 help. He say, Well, okay, I'm going to help you, but
4 I want to have some collateral, so he choose some
5 pieces that he likes and he still has them.
6 Q. Okay.
7 A. Well, my question is am I the owner of these pieces or
8 is he now?
9 MR. KWIATKOWSKI: That's not a question that
10 you need to concern yourself with right now.
11 THE WITNESS: Well, because if she ask me if
12 I own anything, and I say, no, I'm going to be
13 perjuring myself. So I'm trying to find -- you know,
14 I want to know exactly.
15 MR. KWIATKOWSKI: It's our position that
16 he's -- right now, that's why we disclosed that he has
17 property that --
18 MS. GOLL: That belongs to you, yeah. All
19 right.
20 MR. KWIATKOWSKI: So we added the self-
21 storage unit and the printer, which I don't have his
22 address, but -- for the digital images of the debtors
23 artwork.
24 BY MS. GOLL:
25 Q. But we have got -- so, Michael has the original

26 (Pages 101 to 104)

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1 John Lennon artwork, the John Lennon "Imagine"
2 microphone, and the Miles Davis artwork?
3 A. Yes.
4 Q. All right. And nothing else?
5 A. No.
6 Q. All right. Here, last page, it's 44 of 54. Actually,
7 I'm sorry, let's do 43 of 54. Part 11 asks about
8 businesses that you have had in the last four years.
9 And then you have down "Euro-Hawaiian Production
10 believed to be defunct."
11 A. Yes.
12 Q. "Unclear if debtor was the owner."
13 A. That was a company that -- that was a corporation that
14 my ex-wife and I owned when we were married. And at
15 some point, we had two galleries. And those two
16 galleries were under a subcorporation, Euro-Hawaiian
17 Production.
18 Q. When did you close the gallery, the Euro-Hawaiian
19 Production gallery down?
20 A. When I get divorced, everything was -- our house was
21 sold in foreclosure and that's -- yeah, so when I got
22 divorced.
23 Q. When you got divorced in 2011?
24 A. And I don't even know -- I don't know if this
25 corporation is still active, if my ex-wife keep it

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1 A. Yes.
2 Q. If you look up in the right-hand corner, it says the
3 tax period is 2014. Correct?
4 A. Yes. That's what's on here.
5 Q. And this is for Euro-Hawaiian Productions, Inc.,
6 C/O Colleen Noah-Marti?
7 A. Yeah.
8 Q. And then the next page is a letter from you, or a
9 statement from you. It's got your contact information
10 and your name. And it says "Per my phone conversation
11 with one of my agents, here is the first of the three
12 monthly payments I engaged myself to pay. Please mail
13 me a receipt if possible." And the next page is a
14 check for \$861.97.
15 A. Yes, yes.
16 Q. If you no longer were working or had an interest in
17 the business after 2011, why are you paying taxes for
18 2014?
19 A. Well, because they told me I owe them. I mean, the
20 IRS came after me and ask me -- tell me that I have to
21 pay some of the money. And because I couldn't pay the
22 whole amount, I make a deal with them that I'm paying
23 monthly.
24 Q. But you didn't have an interest in the business in
25 2014, so why would you owe it?

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1 active or not because she was the president. But I
2 don't think it's active anymore.
3 Q. When do you think the last time it -- but you think --
4 all right, hold on, I'm confused. You're saying you
5 don't think it's active anymore, but it might have
6 been. But you closed it in 2011?
7 A. Well, no, no. I get out of the business myself when I
8 get divorced. But my ex-wife was the president of the
9 company at the time. And I don't know if she kept
10 this corporation still open and going, or if she close
11 it. I supposed she closed it because she had no
12 reason to keep it open, but.
13 Q. But in 2011 is when you got out of the business?
14 A. Yeah.
15 (Deposition Exhibit No. 5, Notice of Intent
16 to Seize, was marked for identification.)
17 BY MS. GOLL:
18 Q. Really quick then, let's turn to Exhibit 5.
19 MR. KWIATKOWSKI: What's 5?
20 BY MS. GOLL:
21 Q. Because I'm confused about something. Exhibit 5. Do
22 you recognize Exhibit 5?
23 A. It's a IRS paperwork, yeah.
24 Q. It's an IRS bill, an Intent to Seize and Levy your
25 property. The amount it says due is \$2585.92.

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1 A. No.
2 Q. Did you tell them that you didn't own the business in
3 2014?
4 A. Yeah, but they were still trying to collect from me.
5 And you know what, there is a lot of things that are
6 not even accurate in this paper. Euro-Hawaiian
7 Production, Inc., there is an address which is 340
8 North Beverly Drive in Beverly Hills. That's never
9 been the address of this corporation.
10 Q. That was Colleen's address. They were sending it to
11 her.
12 A. Oh, okay, yeah, that's her address. Yeah, okay, I'm
13 sorry.
14 Q. But I'm just --
15 A. Well, I think, you know what, the reason why, because
16 she told me that I have to pay. My ex-wife is really
17 difficult.
18 Q. Going back to Exhibit 3, and we're going to be on page
19 44 of 54. Additional businesses that you own. It
20 says "Celebrities Publishing Corporation, and it's
21 believed to be defunct. Buy and sell art. Unclear if
22 debtor was owner." Celebrities Publishing, that was
23 your business in Hawaii, correct?
24 A. Yes.
25 Q. And when did you close that?

27 (Pages 105 to 108)

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1 A. Same thing. I get out of this business when I move.
 2 And I don't know what happened to it. I don't know if
 3 my ex-wife keep it open, or if she close it.
 4 Q. So your ex-wife had an interest in this one as well?
 5 A. Yeah, we were partner for everything. I was married
 6 to her for 25 years.
 7 Q. Okay. So you got out of the business when you moved
 8 in 2014, November of 2014, and you just left?
 9 A. Yeah.
 10 Q. Did you have any artwork of your own in the gallery or
 11 anything?
 12 A. No.
 13 Q. All right. And finally, Robert Kidd Gallery. You
 14 purchased that in July of 2017; correct?
 15 A. Yes.
 16 Q. All right. And before that, you worked there from
 17 November of 2014 through when you purchased the
 18 property, or purchased the business? I don't know why
 19 I keep saying property.
 20 A. Yes. I was still working there.
 21 (Deposition Exhibit No. 4, IRS Transcript
 22 for 2616 Tax Returns, was marked for
 23 identification.)
 24 BY MS. GOLL:
 25 Q. All right. Let's turn to Exhibit 4. All right.

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1 Exhibit 4 is a tax transcript for 2016's tax returns;
 2 correct?
 3 A. Yes.
 4 Q. Okay. And let's see, excuse me, we had discussed the
 5 tax returns earlier. You said that you had requested
 6 2012, '13, '14 and '15, but they couldn't provide it
 7 to you, or didn't provide it to you.
 8 MR. KWIATKOWSKI: I know we requested '15.
 9 I don't know if he requested '12, '13, '14.
 10 MS. GOLL: Oh, okay.
 11 MR. KWIATKOWSKI: I'm not sure what
 12 Mr. Marti did. I know I helped him with '15.
 13 BY MS. GOLL:
 14 Q. Did you request 2012, '13, and '14?
 15 A. Well, in 2012, I was still filing my tax I think with
 16 my ex-wife as a common (sic), you know, so what was
 17 the question again?
 18 Q. I asked if you contacted the IRS to try to get those
 19 tax transcripts?
 20 A. Yes.
 21 Q. For those years.
 22 A. Yeah. I don't know why they cannot find me. Maybe
 23 because I move, or I don't know.
 24 MR. KWIATKOWSKI: Maybe it was because of
 25 the name. Because even the driver's license has him

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1 as -- if he didn't request it as Gerard Noah Marti
 2 they might not have given it to him.
 3 MS. GOLL: Yeah, but he's got his social
 4 number, so that just seems weird.
 5 MR. KWIATKOWSKI: But they won't do
 6 it -- when you do those things unless what you -- when
 7 you submit it, it's got to be exactly. They don't
 8 just say here's your social security number and here's
 9 your transcripts.
 10 BY MS. GOLL:
 11 Q. 2017. Have you filed those tax returns yet?
 12 A. No.
 13 Q. When do you plan on filing 2017?
 14 A. As soon as I hire a CPA.
 15 Q. Are you getting an extension for those?
 16 A. Yes. I have a bookkeeper now who asked for an
 17 extension.
 18 Q. Once you get those filed -- well, actually when you
 19 send in the information for the extension, we'll need
 20 a copy of that, and then once you get them filed,
 21 we'll need your federal and state returns. So get
 22 those to your attorney, okay?
 23 A. Okay.
 24 (Deposition Exhibit No. 6, Dissolution
 25 Judgment of Marriage, was marked for

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1 identification.)
 2 BY MS. GOLL:
 3 Q. All right. Now, let's turn to, we already did five,
 4 let's turn to Exhibit 6. Do you recognize Exhibit 6?
 5 A. Yes.
 6 Q. Is this a copy of your Dissolution Judgment for your
 7 marriage? The divorce judgment?
 8 A. Yes. Yes.
 9 Q. Now, looking at what's marked as Page 2 at the bottom.
 10 The first two pages are just the cover sheet. Then it
 11 goes to the actual Judgment.
 12 A. Uh-huh.
 13 Q. And then the Property Settlement. Now, it indicates
 14 that your -- well, your divorce was entered
 15 December 6th of 2011, but it was filed in
 16 September 30, 2011. This indicates that on May 30th
 17 of 2010, you entered into a postnuptial agreement.
 18 A. Where is it?
 19 Q. Yeah, 2.1 A, it's going to be the second line of that.
 20 It says that the two of you entered into a postnuptial
 21 agreement on May 30th, 2010. Why did you have that
 22 prepared?
 23 A. What does that mean? I have no --
 24 Q. A postnuptial mean -- do you know what a -- oh, my
 25 gosh, why I am I blanking, it's an agreement after you

28 (Pages 109 to 112)

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<p style="text-align: right;">Page 113</p> <p>1 get married of how you're going to split your assets, 2 or what each person would get. Sort of like a 3 prenuptial agreement; do you know what that is? 4 A. Yeah, yeah. 5 Q. It's like a prenuptial agreement, but it's something 6 you sign after you get married. Do you recall signing 7 that? 8 A. No. But you know, I must say something about my 9 divorce. It's when I got divorced, I don't even 10 hire an attorney. I give my wife, my ex-wife, 11 everything she wanted. I never read this entire thing 12 by myself. I just signed. I was eager to get 13 divorced, and I didn't care about the assets because I 14 was just fed up with the whole thing. 15 Q. All right. That's fair enough. Letter C, on it, says 16 that it's about Celebrities Publishing. 17 A. Uh-huh. 18 Q. Now, it says that you were awarded a 50 percent 19 interest in Celebrities Publishing. 20 A. Yes. 21 Q. So you did have an ownership interest in Celebrities 22 Publishing? 23 A. At the time when I was married, we were both partners 24 and co-owners of Celebrities Publishing and Euro- 25 Hawaiian Production. When I got divorced, I give her</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. Is that the account that you said might still be open 2 with a couple of dollars in it? 3 A. It might. Let me check. 4 Q. Or did you have a different account at Bank of Hawaii 5 after that? 6 A. No, that's the one. 7 Q. It says you also had a Fidelity IRA with account 8 ending in 7784. What happened to that IRA? 9 A. What's an IRA? 10 Q. Individual retirement account or an individual 11 retirement annuity. 12 A. Oh, you mean, like, a 401(k), or -- 13 Q. It was an IRA though. It was a Fidelity IRA. It was 14 some kind of retirement account. 15 A. I, um ... 16 Q. Did you cash it in? 17 A. No, I think -- I have no idea. 18 Q. So if you didn't cash it in, you still have it? 19 A. But what is it exactly? 20 Q. It's a retirement account. 21 A. No. The only thing I remember is that I took money at 22 some point. We were having so much bill that I took 23 money from my 401(k) and she took money from her 24 401(k) to pay all of the bills. 25 Q. Okay. This isn't a 401(k). This is a Fidelity IRA.</p>
<p style="text-align: right;">Page 114</p> <p>1 everything. 2 Q. Well, this says that you had a 50 percent interest in 3 it. 4 A. Yeah. Yes, that's what's written here. But, you, 5 know, Celebrities Publishing, it's a publishing 6 company, a publishing business, and after I got 7 divorced, we never publish anything anymore because we 8 were not working together. 9 Q. Okay. Let's turn to page 4 of the judgment where it 10 talks, C, it says "Community Property Awarded to 11 Respondent/Husband." And looking down, it indicates 12 that you received your clothing, jewelry, personal 13 effects, furniture that was already in your 14 possession. 15 A. Uh-huh. 16 Q. The 2003 Cadillac Escalade. 17 A. Yes. 18 MR. KWIATKOWSKI: Are you on page -- oh, I'm 19 sorry. I was on 4, I was on 3, my bad. 20 BY MS. GOLL: 21 Q. The Kawasaki motorcycle. 22 A. Yes. 23 Q. Now a bank account in Hawaii. Bank of Hawaii account 24 number 8680. 25 A. Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 MR. KWIATKOWSKI: It's a retirement account. 2 BY MS. GOLL: 3 Q. And there's also a Franklin Templeton IRA that was in 4 your name. 5 A. Yeah, yeah, but all of this has been canceled. I 6 don't have it anymore. 7 Q. When did you cash it in? 8 A. I don't cash it. Cancel. I said cancel. 9 Q. Well, you can't cancel an IRA. 10 MR. KWIATKOWSKI: There's money in them. 11 It's like an account. 12 MS. GOLL: It's like a bank account. 13 MR. KWIATKOWSKI: It's like a 401(k) set up 14 for your retirement. 15 THE WITNESS: I don't know. I mean, my ex- 16 wife who set up all of these things, and I don't know. 17 I mean, if she -- if she still -- maybe she have it, I 18 don't know. 19 BY MS. GOLL: 20 Q. Well, these were awarded to you and the one was 21 specifically in your name. 22 A. So are you implying that I have some money somewhere? 23 I would like to know where. 24 Q. Well, I'm asking you that. I'm asking you if you 25 cashed these accounts in.</p>

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1 A. Well, my question is, I haven't cashed anything, and I
2 don't even know what we are talking about here.
3 Honestly, the only thing I remember having was a
4 401(k) that I emptied to pay my bill. This, what you
5 call this again?
6 Q. IRA.
7 A. IRA. I have no idea what it is.
8 MR. KWIATKOWSKI: Can we stop for just one
9 minute please? I just have to grab this.
10 MS. GOLL: Yes.
11 (Pause 1:35 to 1:37 p.m.)
12 BY MS. GOLL:
13 Q. Let's go to Page 8 of the child support, or, I mean,
14 of the Judgment which is Child Support. Now, that
15 indicates that you were responsible for paying 190,
16 one hundred, I'm sorry, \$1921 a month for Noah;
17 correct?
18 A. Yes.
19 Q. All right. And you said that you weren't actually
20 paying that all the time; it was just whenever she
21 needed money?
22 A. Irregularly, yeah.
23 Q. And then on the next page, Letter E, it's Line 3, it
24 says that you were going to be paying -- or that you
25 owed \$6754 in child support arrears.

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1 Q. Let's turn to Exhibit 7. Exhibit 7 is the second part
2 of the Dissolution, or the Judgment of Divorce, but
3 this is actually just the, the actual Judgment, and it
4 also splits up some more property. Now, looking at
5 Page 3 of the exhibit, but what's going to say page 1
6 at the bottom. Judgment Regarding Community Property,
7 Businesses and Inheritance Rights.
8 A. Uh-huh.
9 Q. It indicates that on Letter E, Line 17, that you owned
10 three separate businesses: Euro-Hawaiian Production,
11 Inc., Blink, LLC, and Celebrities Publishing, LLC.
12 A. Yes.
13 Q. Okay. Section 2, Rights and Obligations Regarding
14 Euro-Hawaiian Productions. That indicates that you
15 and your wife both owned 50 percent of Euro-Hawaiian
16 Production; correct?
17 A. Yes. Yes.
18 Q. Now, when you transferred the -- or when you left, and
19 just walked away from everything, did you sign any
20 agreement or anything just transferring the whole
21 business over to her --
22 A. No.
23 Q. -- the 50 percent that you owned?
24 A. No.
25 Q. No? Okay. So were you -- did you continue up until

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1 A. Yes.
2 Q. Was that ever paid or did she just waive that?
3 A. I don't remember. I remember not cutting a check for
4 6700, but I don't know. I think she waive it.
5 Q. And then, down below, it says Section 5, Spousal
6 Support, same page, just down below further. It said
7 that your income was 17,000 a month and your wife's
8 was only 2,000 a month at that time. Is that
9 accurate?
10 A. I wish. No. No.
11 Q. Do you know where they got all these numbers from?
12 A. From my ex-wife, yeah.
13 Q. All right. So on the next page, then it says that you
14 had to pay \$4000 a month for spousal support. You
15 haven't been paying that?
16 A. No.
17 Q. And did you pay the arrears, the \$9852?
18 A. No.
19 Q. It also required you to get a life insurance policy
20 with your wife as the beneficiary. Did you do that?
21 A. No.
22 (Deposition Exhibit No. 7, Dissolution of
23 Marriage Part 2, was marked for
24 identification.)
25 By MS. GOLL:

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1 you left managing the company, making the business
2 decisions for the company, after the divorce?
3 A. After the divorce, I keep running the gallery for only
4 a couple of years after that.
5 Q. Okay. Let's see. Now, on page 3, this is still
6 regarding Euro-Hawaiian, it required you to start
7 making payments as of June 1st of 2010, or I'm sorry,
8 yeah, that you were going to be paying your ex-wife
9 \$10,000 a month for the business. Did you do that?
10 A. No.
11 Q. And this is still regarding Euro-Hawaiian, and the
12 interest in that. And then it was supposed to
13 increase every year thereafter. You didn't pay any of
14 the increases either?
15 A. No. That's why she keeps telling me that I owe her so
16 much money. Every time I see her, she says, You owe
17 me so much money. I'm, like, I don't know.
18 Q. And then it also said that for a period of 20 years
19 commencing on May 30, 2010, that you were going to be
20 paying her 50 percent of the net profits of the
21 business. Did you do that?
22 A. No.
23 Q. And then on the next page, Page 4, it indicated that
24 on D, but we're going to look at Line 15, that you
25 were going to be receiving a commission and salary of

30 (Pages 117 to 120)

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1 \$4000 a month from the business. Did you receive that
2 each month?
3 A. No.
4 Q. And then it also indicated, no later than May 31st,
5 2011, you were going to pay your wife a million
6 dollars, payable of 200,000 in cash at closing, and
7 the balance at a rate of \$10,000 per month with
8 interest for her interest in the business. Did you do
9 that?
10 A. No.
11 MS. GOLL: Off the record.
12 (Discussion off the record.)
13 BY MS. GOLL:
14 Q. Blink, LLC. What kind of business was that?
15 A. The LLC who owned the building at Waiwai Place that we
16 mentioned, that we talk about earlier, the office
17 building, and same thing that went to foreclosure.
18 At some point, when I was married, we own a
19 house, two condominiums and a building office. And
20 everything went to bankruptcy to foreclosure when we
21 were getting divorced.
22 Q. Now, it says that Respondent, which is you,
23 individually and as trustee of the Gerard Rene Aime
24 Noah Marti revocable trust dated May 16, 2003, were
25 turning over any interest in Blink to your ex-wife.

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1 I let her own it. But, honestly, I think we never
2 really did anything with it.
3 (Deposition Exhibit No. 8, Kihei Maui Self-
4 Storage Invoice and Other Documents, was
5 marked for identification.)
6 BY MS. GOLL:
7 Q. All right. Let's turn to Exhibit 8 now. Do you
8 recognize Exhibit 8?
9 A. Yeah, it's the storage space.
10 Q. Now, this is an invoice dated December 29, 2016, and
11 it indicates that there were five storage units.
12 A. Uh-huh, yes.
13 Q. That the payment due date was November 29, 2016 on
14 four of them, and December 11, 2016 on the fifth. And
15 that you had a total balance on all of them of
16 \$3854.12.
17 A. Yes.
18 Q. Do you know when the last payments were made on the
19 each of the storage units?
20 A. I don't know the exact date, but I know that at some
21 point I couldn't pay anymore. And that's when they
22 start sending me the papers telling me that they're
23 going to sell my stuff.
24 Q. Do you know approximately when it was that you
25 stopped?

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1 What's the Gerard Rene Aime Noah Marti revocable
2 trust? I have no idea what it is? A revocable trust?
3 Q. Uh-huh.
4 A. I don't know. What's a revocable trust?
5 Q. Well, it was something that was created, assumably by
6 you, to put assets in, to hold in trust.
7 A. I have no idea.
8 Q. Do you have a copy of it?
9 A. No, I don't even know what that mean. No.
10 Q. All right. Now, did you ever receive any money for
11 the interest in Blink, LLC?
12 A. No.
13 Q. Did you ever determine the fair market value of it?
14 A. No.
15 MR. KWIATKOWSKI: It was foreclosed, so.
16 THE WITNESS: Yeah, it was foreclosed. I
17 don't see my signature anywhere on this divorce thing
18 here.
19 BY MS. GOLL:
20 Q. Yeah, no, I don't either. But -- okay, Trademark
21 Rights. It looks like your wife received all of the
22 interest "In Rock We Trust" trademark.
23 A. Yeah, In Rock We Trust was a trademark that we decide
24 to register because at some point we were printing
25 T-shirt, and she decides that she wants to own it. So

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1 A. I don't know. I cannot answer this question right
2 now. I have to look at the letter that they send me.
3 Q. Well, we have got --
4 A. Because it seems like about in 2016, in December 2016,
5 I was already behind.
6 Q. All right. What we have got -- if you keep going, the
7 third page there, there's an Auction Notification
8 related to A25 (sic), Unit A25.
9 A. Yeah.
10 Q. Now, it says that the date of the last payment was
11 November 16, 2016.
12 A. Uh-huh, yes.
13 Q. So I'm trying to figure out how, if that was the last
14 payment date you made for A235, how it said on the
15 first page that for that same unit you had a current
16 balance of \$667.88, plus a payment that was next due.
17 A. Which page are you?
18 Q. The very first page. It says A235. You owed \$667.88.
19 A. Yes. Yes.
20 Q. With another payment coming due.
21 A. Yes.
22 Q. So a total of \$939.32.
23 A. Yes.
24 Q. And that was payment due date November 29th of 2016.
25 A. Yes.

31 (Pages 121 to 124)

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1 Q. But here it says your last payment was November 16th
2 of 2016? Were you already behind?
3 A. I have been behind the storage space for a long time.
4 Sometime I was behind, then I might actually catch up
5 so it went back to normal. Then I'd fall behind
6 again. And I fall behind at some point, where I could
7 not catch up, and that's when they sell my things.
8 Q. And this is dated July 26, 2017, this Auction
9 Notification. Now, it doesn't say anything about --
10 let me see, I'm sorry. It says that the auction was
11 going to be on August 26, 2017. To your knowledge,
12 did that auction take place?
13 A. Yes. Yeah, I know, because they ask me to send me the
14 paperwork for the ownership of my car, and I have to
15 do it.
16 Q. Okay. They didn't ask for the ownership documents for
17 the Kawasaki?
18 A. Also, yeah, I send them everything.
19 Q. On the next page is the Lien Fee Notification, that
20 they placed a lien on that storage, the items in that
21 storage unit.
22 A. Yes.
23 Q. Then we have got the Auction Notification for storage
24 unit A236. Well, actually, 235, do you know if that
25 unit was sold?

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1 excuse me, D64 was sold on August 26th?
2 A. Yes, it did.
3 Q. And then, of course, the next page is the Lien
4 Notification for D64. All right. Do you know who
5 bought the A235 unit at the auction?
6 A. I don't know who. I don't know. I don't know who. I
7 have been contacted by E-mail by someone who send me
8 an E-mail saying that they buy it, they have some of
9 my belongings that they buy at this auction, and if I
10 was interested in buying it. And I said that I
11 couldn't afford it. But I don't know exactly who.
12 Q. Okay. I'm going to go through each of these. Do you
13 know who it was that bought Unit A236?
14 A. No.
15 Q. Do you know who bought Unit A238?
16 A. No.
17 Q. Do you know who bought Unit D64?
18 A. No.
19 Q. Do you know who bought Unit P11?
20 A. No.
21 Q. Did you have any other storage units there at Kihai
22 Maui Self-Storage, other than those five?
23 A. No. I mean, as far as I know, no.
24 Q. Did you have any other storage units anywhere else on
25 the Hawaiian islands?

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1 A. Yeah. The reason why there is so many different
2 Auction Notification is because instead of giving me a
3 total bill all of my space. They went space by space.
4 Q. Right. I understand that.
5 So the auction for A236 was supposed to take
6 place on August 26, 2017, as well. Do you know if
7 that auction took place?
8 A. Yes, I know. It took place, yeah.
9 Q. And then the next page is actually the Lien
10 Notification for that unit. Then we have got the
11 Auction Notification for A238. And again, it
12 indicates that the auction was going to be on
13 August 26, 2017. Do you know if the auction took
14 place with regard to A238?
15 A. Yes. Yes.
16 Q. Then, again, the next page is the Lien Fee
17 Notification for A238. Then we have got the Auction
18 Notification for P11. Now, P11, again, it says August
19 26, 2017 was supposed to be the auction. Do you know
20 if the auction took place and P11 was sold?
21 A. Yes. Yes.
22 Q. All right. Next page again is a Lien Notification for
23 P11. Then we have got the Auction Notification for
24 D64. Again, it says the auction was going to take
25 place on August 26, 2017. Do you know if D674, or

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1 A. No.
2 (Deposition Exhibit No. 9, Web Self-Storage
3 Robert Kidd Gallery for Room/Payment
4 History, was marked for identification.)
5 BY MS. GOLL:
6 Q. Let's take a look at the next exhibit, which is
7 Exhibit 9. Now, do you recognize this?
8 A. Yeah, it's the same thing. Self-storage. It's the
9 same company, I guess.
10 Q. Now, it looks like this is from the self-storage
11 company, that is a printout for Robert Kidd Gallery
12 for Room/Payment History.
13 A. Yes.
14 Q. And it looks like it's got the units, or some of the
15 units on here that was being paid for by the gallery;
16 correct?
17 A. Yeah, as I told you earlier, Jennifer, my former part
18 -- my former employer, decide for some months, I don't
19 know how long exactly, but she helped me to pay my
20 storage.
21 Q. Your storage unit?
22 A. Yeah.
23 Q. Now, on here, one of the first, the very first storage
24 unit, that it notes that Jennifer was paying for was
25 D14.

32 (Pages 125 to 128)

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1 A. Yes.
 2 Q. \$408.72.
 3 A. Yes.
 4 Q. There is no D14 on the storage unit invoices for you
 5 being late.
 6 A. Yes. So, I don't know.
 7 Q. So you had another storage unit there?
 8 A. No.
 9 Q. No?
 10 A. No. D14?
 11 Q. Yeah, the units were A235, A236, A238, D64, and P11.
 12 This is D14. And if you look down further, they do
 13 have a D64 and the D14. So what happened to the D14
 14 unit?
 15 A. I don't know. I don't know. 236. I don't know.
 16 Maybe, it could be that -- okay, it could be that at
 17 some point, I kind of like, because I was paying so
 18 much money in storage, that I consolidate, so I maybe
 19 transfer some -- you know, I maybe take a smaller
 20 space, maybe. I'm not sure, honestly, but I might
 21 have this D14 for some time, and transfer the content
 22 to another space. You know, this way you have to pay
 23 less. Less space.
 24 Q. Well, payments for D14 went all the way through
 25 August 29th of 2016. If you look on the very last

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1 paid a storage unit in over a year, have you?
 2 THE WITNESS: Oh, yeah, more than a year,
 3 yes.
 4 BY MS. GOLL:
 5 Q. All right. Exhibit 10. Do you recognize Exhibit 10?
 6 A. Yes. I can see it. It's a checking summary of Chase,
 7 no?
 8 Q. It's your Chase bank statements?
 9 A. Uh-huh. Yes.
 10 Q. For account 6995?
 11 A. Yes.
 12 Q. Now, as we discussed earlier, the very first statement
 13 that you sent me starts August 18, 2017.
 14 A. Yes.
 15 Q. So when did you open this Chase account? Did you open
 16 it right after you moved here?
 17 A. Yes. Like, I don't remember exact date, but --
 18 Q. At the end of 2014, beginning of 2015?
 19 A. Yeah.
 20 Q. All right. Now, we already discussed that you hadn't
 21 provided those Chase statements, but that you need to.
 22 So you're going to go to the bank and get those?
 23 A. Yeah, I just need to know the date of what you need
 24 and I'm going to ask them.
 25 Q. Well, it would be from the date it was opened until

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1 page, it ends August 29, 2016.
 2 A. Yes.
 3 Q. And it was printed out September 6, 2016, so that's a
 4 good reason why. But it shows that D14 was still
 5 being paid as of August 29th.
 6 A. Of which year?
 7 Q. 2016. Right before the notices initially started,
 8 indicate that the payments were stopped for the other
 9 units. Do you still have Unit D14?
 10 A. No. I mean, I don't even know. I don't remember,
 11 recall a unit called D14. I remember A236, 238, 235,
 12 but I don't remember D14. I don't know what it is.
 13 Q. Okay. Because it was paid for -- if you look right up
 14 above, it was paying for all of the units including
 15 D14.
 16 A. I can see. I can see that. I don't know. Maybe we
 17 can call them and find out. Do you think they would
 18 charge me for something that I don't have? I don't
 19 know.
 20 (Deposition Exhibit No. 10, Chase Account
 21 No. 6995 Summary, was marked for
 22 identification.)
 23 BY MS. GOLL:
 24 Q. All right. Let's move on to Exhibit 10.
 25 MR. KWIATKOWSKI: Regardless, you haven't

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1 August 17th of 2017.
 2 A. Okay.
 3 Q. If you can get those over to your attorney, and we'll
 4 set this out, the continuation out, like two weeks so
 5 that will give you time to get those and get them to
 6 your attorney so you can get them to me so I can
 7 review them and we can go over them at the next one.
 8 Okay?
 9 A. (No response.)
 10 Q. All right. So let's start with the first statement.
 11 This is August 18th through September 20, 2017. Now,
 12 in addition to sending the bank statements, you were
 13 supposed to give me either copies of the canceled
 14 checks, or a check register, or check ledger, for the
 15 Chase account for 6995. I don't have that. Do you
 16 have a check ledger or a register for those? Will you
 17 write them down when you write a check?
 18 A. For my personal?
 19 Q. Yes.
 20 A. You know, I don't keep --
 21 Q. Okay. So when you get -- when you go in and ask for
 22 the bank statements from the bank, can you also ask
 23 them for copies of any checks over \$500. The lower
 24 ones I don't care about. We won't worry about. But
 25 anything \$500 or more, can you get that as well?

33 (Pages 129 to 132)

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1 A. I can do that too.
 2 Q. For the entire -- for the account --
 3 A. From the beginning. Okay.
 4 Q. All right. So let's take a look at this, on the
 5 second page. Now, again, we have got some
 6 checks -- all three of those checks are over \$500. So
 7 it's the second page we're looking at.
 8 MR. KWIATKOWSKI: Go back one.
 9 BY MS. GOLL:
 10 Q. There you go. See where it says checks paid up at the
 11 top?
 12 A. Yes.
 13 Q. All three of those are over \$500 so I would want to
 14 look at all three of those.
 15 A. Okay.
 16 Q. Offhand, the one for --
 17 A. I mean, I can tell you already -- 3200 is for the rent
 18 for my condo, 800 I have no idea, and the 1000 I have
 19 no idea. But, yeah, I mean, I recognize the number of
 20 3200.
 21 Q. I was just going to ask you that because it seems to
 22 appear.
 23 A. That's my rent, yeah.
 24 Q. All right. So then we go down, on August 18th,
 25 there's a charge for \$83.95 for Ruby (sic) Grille.

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1 A. Twenty-first.
 2 Q. Yeah. It's one, two, three, four, five, six, the
 3 seventh down on the second page, yeah.
 4 MR. KWIATKOWSKI: Deposits? Got it. Got
 5 it. I see it now.
 6 BY MS. GOLL:
 7 Q. Yeah. It says ATM check deposit. There's two in a
 8 row, both for \$500 each. Where did the money for
 9 those deposits come from?
 10 A. Can I see?
 11 MR. KWIATKOWSKI: It's hard to see. Twenty-
 12 first, right here.
 13 THE WITNESS: Check deposit for \$500.
 14 BY MS. GOLL:
 15 Q. And then a second one, they're both for 500.
 16 A. Yeah, well, that's probably a check from Karen Fox, my
 17 girlfriend.
 18 Q. From girlfriend?
 19 A. Yes. I mean, I would have to look at the check. But I
 20 suppose that's what it is.
 21 Q. Now, then, there's also another -- as we go through
 22 here, I'm seeing a substantial amount of restaurant
 23 charges.
 24 A. Yes.
 25 Q. At least one, usually two a day.

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1 A. Yes.
 2 Q. I'm assuming that is a restaurant.
 3 A. It's a restaurant.
 4 MR. KWIATKOWSKI: Rugby Grille.
 5 THE WITNESS: Rugby Grill. It's the
 6 restaurant at the Townsend Hotel across the street.
 7 BY MS. GOLL:
 8 Q. And then the very next charge, or debit, is an Uber
 9 for \$12. Was that for work?
 10 A. Probably.
 11 Q. All right.
 12 A. Wait a minute, is it paid by me?
 13 Q. Yes.
 14 A. So it was probably personal if it's --
 15 Q. Personal, all right. Yes.
 16 A. Twelve dollar, yeah. Sometime \$12, I recognize this
 17 number, because it's what it costs me when there is
 18 like heavy snow or ice when I call to drive me from my
 19 condo to the gallery, it's about 10 or \$12. So yeah,
 20 that's personal.
 21 Q. This was August 18th. So I don't know that there was
 22 snow or ice, but you might have --
 23 A. Or if sometime I have a lot of bags or whatever.
 24 Q. All right. Got it. Now on August 21st, if you go
 25 down, there are two ATM deposits of \$500 each.

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1 A. Yes.
 2 Q. Of Bella Piatti, Rugby Grille, Dick O'Dow's, Rojo
 3 Mexican Bistro, Papa Joe's shows up a lot.
 4 A. Yes.
 5 Q. You eat out a lot?
 6 A. Well, I explained to you earlier. When Karen Fox come
 7 to visit me, we eat out every night almost.
 8 Q. Well, you said she was here --
 9 A. She make me try all of the restaurant in Birmingham.
 10 Q. Right. But you said she was only here for, like, a
 11 couple of times, once or twice a month for a couple of
 12 days.
 13 A. Well, it's irregular. I mean, on the beginning when I
 14 move here, she used to travel here and stay at the
 15 Townsend Hotel. But she buy a condominium now. She
 16 buy a house so she come much more often now.
 17 Q. Okay. Well, if you look through, just the August
 18 statement alone --
 19 A. Uh-huh.
 20 Q. -- let's see, let me find this so I can go over it.
 21 Just the August statement alone there are -- this
 22 doesn't seem so bad or so high. The Rugby Grill there
 23 was a charge for the statement, August 18th through
 24 September 19th of 2017, you ate at Rugby Grill twice,
 25 one on August 18th, one on September 19th. The total

34 (Pages 133 to 136)

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1 was \$157.43.
 2 A. Yeah.
 3 Q. Bella Piatti, however, was 22 charges, totally
 4 \$2186.46.
 5 A. Yes.
 6 Q. That was between August 19th, 21st, 24th, 28th, 31st,
 7 1st of September, 5th of September. These are when
 8 the charges actually posted, not when they were -- I'm
 9 sure you ate, September 11th, September 19th. So
 10 that's almost the entire period, every day. There's
 11 two for Papa Joe's. Then so the total amount you
 12 spent on eating out in September was -- let me see,
 13 where is it? I'm sorry, just a second, looking for
 14 it, not finding it.
 15 A. Well, I eat out almost every night so.
 16 Q. Well, yeah, every night. I mean, you spent a lot of
 17 money eating out every night.
 18 A. Yes.
 19 Q. Did you --
 20 A. I'm single. So I don't cook.
 21 Q. Well, being single doesn't mean you don't cook, but, I
 22 mean --
 23 A. Well, I mean, I'm in my gallery from 10 a.m. to 9 p.m.
 24 every day, and after that, usually I go next door and
 25 I eat.

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1 Q. At the Townsend?
 2 A. At the Townsend or Bella Piatti, which are the two
 3 restaurants which are walking distance from the
 4 gallery.
 5 Q. Okay. Well, the total for eating out where you paid
 6 with just your credit card, or not your credit card,
 7 your debit card, for September 18th through September
 8 20th was \$2857.51.
 9 A. Yes.
 10 Q. That's a lot.
 11 A. I know.
 12 Q. Especially considering you were having trouble paying
 13 your bills.
 14 A. Well, that's not my money. That's Karen Fox money.
 15 Q. Karen Fox's money. Okay. Well, let's go down,
 16 August 23rd. There's a deposit into the account of a
 17 \$1000.
 18 A. Uh-huh.
 19 Q. Where did that money come from?
 20 A. Probably Karen Fox.
 21 Q. Karen Fox, your girlfriend?
 22 A. Yes.
 23 Q. Karen Fox. Okay. Now, let's go up a little because I
 24 was just going over those three deposits.
 25 August 21st, it's two down from that last ATM deposit,

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1 there's a Lexi Drew charge of \$36.04.
 2 A. Yes.
 3 Q. That's a women's clothing store; correct?
 4 A. Yes. Yes.
 5 Q. What was that for?
 6 A. We went together to the store, and she asked me to pay
 7 for her some dresses and things that she buy, that she
 8 wanted.
 9 Q. Now, also on August 21st, it's going to be the last
 10 two entries on August 21st. There are two PayPal
 11 charges. Do you have a PayPal account you use?
 12 A. Yes.
 13 Q. Okay. Why didn't you provide me the statements for
 14 the PayPal account?
 15 A. Because you asked me for bank statement.
 16 Q. I said all financial statements, which includes bank
 17 statements, money market accounts, PayPal accounts,
 18 anything that's a financial account. So is that --
 19 A. Well, I haven't provide you with paper because I
 20 didn't know I was supposed to. But I can do it if you
 21 need to.
 22 Q. Yeah, so why don't you, along with those other Chase
 23 statements, go ahead and get that for me. Now, the
 24 PayPal is to Byolea in Hawaii.
 25 A. Yes.

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1 Q. Byolea, I looked that up, this is a jewelry store;
 2 isn't it?
 3 A. It's a jewelry store. Yeah.
 4 Q. Okay. There are two debits both for \$50 to \$100.
 5 What did you?
 6 A. I paid for jewelry that we sold. She's one of the
 7 artists who consign us jewelry. And when we sold, I
 8 have to pay.
 9 Q. You sell jewelry also?
 10 A. Yes.
 11 Q. Okay. I don't recall you ever saying that before.
 12 A. I mean, not expensive jewelry, like, you know, like, a
 13 bead bracelet, and stuff, you can see, it's like \$50.
 14 So it cannot be very expensive.
 15 Q. Okay. You just hadn't ever said that the gallery
 16 sells jewelry also, and I didn't see any when we were
 17 in there.
 18 A. Yeah, there is a display case in the middle of the
 19 gallery with some jewelry, yes. Some custom jewelry
 20 like, you know, like this type of thing. You see
 21 that. No, this type of thing, like, little --
 22 Q. So why were you paying for it yourself? Why didn't it
 23 come out of the account of the business?
 24 A. Because since I have been working with this designer
 25 here, she requested to be paid by PayPal because she

35 (Pages 137 to 140)

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1 doesn't want to be paid any other way. And the only
2 PayPal account I have where I can pay people is my
3 PayPal.
4 Q. So you haven't set one up for the business?
5 A. No. I haven't set one up for the business. That's
6 why I told you earlier that sometime you're going to
7 see that I took cash from the bank because I have to
8 pay people in cash sometime, and sometime I have to
9 pay people with PayPal. That's the only form of
10 payment she accept, this lady, this girl.
11 Q. All right. On the next page, the third entry down,
12 August 24th, it shows a deposit of \$1500. Do you
13 know -- where did that money come from?
14 A. It can only be Karen Fox.
15 Q. Girlfriend?
16 A. Yeah. She just gave me \$3,000 last month to pay for
17 my rent because I cannot afford it right now.
18 Q. All right. Well, let's go down to August 29th. It's
19 going to be the first entry for August 29th. Same
20 page.
21 A. Oh, same page. Sorry.
22 Q. I'll let you know when we change.
23 A. Yes, deposit?
24 Q. For \$5,000.
25 A. Five thousand.

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1 Q. Where did that come from?
2 A. Probably Karen Fox too.
3 Q. Karen Fox, okay. And then one more on August 31st.
4 It's about six or seven down from the August 29th one.
5 There's a deposit for 2,000.
6 A. Yes.
7 Q. Was that from Karen also?
8 A. Yes.
9 Q. Okay. Now, going back up, on August 25th, it's right
10 under your payroll deposit.
11 A. Yes.
12 Q. There's a purchase of a MoneyGram for \$330.99. What
13 was that for?
14 A. Where is it? Oh, MoneyGram, 28?
15 Q. Uh-huh. The 25th. There's one on the 28th too, which
16 I was going to ask you about as well. But there's one
17 on the 25th for \$330.99, and then, as you pointed out,
18 there's another one on August 29th.
19 MR. KWIATKOWSKI: Right here.
20 THE WITNESS: Yeah, I see here. I don't
21 know. I have to look at my PayPal account and see all
22 of my --
23 BY MS. GOLL:
24 Q. Oh, this isn't Paypal.
25 A. Oh, yeah, it's MoneyGram.

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1 Q. You purchased or sent \$330.99, which I'm assuming some
2 of that, probably the 99 cents at least, is for
3 payment of the MoneyGram. So you spent about -- you
4 spent about \$330 somewhere by MoneyGram. Where did
5 that go?
6 A. I don't remember. I have to look at my -- I'd have to
7 look at it. I don't remember. Two twenty-one, and
8 how much?
9 Q. Yeah, August 28th was 221.99, and then August 29th,
10 there's one for 275.99. Then September 1st, there's
11 one for 221.99, and then most of them that we're going
12 to see from here on out, there's a lot of them, are
13 going to be 221.99. Now, the MoneyGram, just for the
14 bank statements we've got, total up to \$3973.85.
15 A. Yeah.
16 Q. Between August 25th and November 9th. And most of
17 them, like I said, are going to be for 221.99.
18 A. It might be money that I sent to my daughter. Because
19 it seems like two hundred dollars all the time, that
20 seems like her.
21 Q. For which daughter?
22 A. My Tatiana. Tatiana.
23 Q. Tatiana. Okay.
24 A. And to make you aware of this, when I send money like
25 that to my daughter, my ex-wife consider it as child

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1 support.
2 Q. Even though she's older?
3 A. She's 23, and she still doesn't have a job, and she's
4 still, you know, depending on us.
5 Q. On August 25th, after the first MoneyGram account,
6 there's a wire transfer to the Bank of Hawaii,
7 Honolulu, that you sent \$200 to. Do you know what
8 that's for?
9 A. No, I guess, no. I don't know. When is it exactly?
10 Can you tell?
11 Q. August 25th.
12 A. Twenty-fifth.
13 Q. Online wire transfer, Bank of Hawaii, Honolulu.
14 A. No. I don't remember why. But it seems like I wired
15 money to my own personal bank account. Yes?
16 Q. Is that what you did, to the Bank of Hawaii account?
17 A. Yeah, there is no account number here, but it seems
18 like -- that's the only reason I see. I mean, it's my
19 -- maybe I owe them. Maybe they send me a bill and I
20 have to pay. I suppose that's what it is.
21 Q. The bank sent you a bill. Why would you owe the bank
22 money?
23 A. Well, if I write a check or if I am, what you call
24 when you are --
25 Q. Overdrawn?

36 (Pages 141 to 144)

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1 A. Overdrawn, yeah, yeah.
 2 Q. But this is August 25th of 2017, you said you hadn't
 3 used that bank account since you left Hawaii.
 4 A. Yes.
 5 Q. So why would you have an overdraw in August of 2017?
 6 A. I don't know. But you know, sometime bank just charge
 7 you for like fees that you don't even know why, and
 8 you know, they just charged. So, I like, I mean, I
 9 know myself, I don't send \$200 to my bank account if
 10 I'm not required to. So I guess the bank -- you know,
 11 maybe the bank called and asked me.
 12 Q. So somehow the bank --
 13 MR. KWIATKOWSKI: It is possible. If you
 14 think about it, it is possible to be overdrawn if you
 15 had \$5 in the account, like he said, and then --
 16 MS. GOLL: Just, just --
 17 BY MS. GOLL:
 18 Q. So the bank obviously had a way of getting a hold of
 19 you to tell you that you owed them that money. So
 20 wouldn't you have a statement from the bank. Because
 21 they obviously were able to contact you. You know,
 22 knew where you lived, knew your phone number,
 23 something, so that you would know that you had to send
 24 \$200 because you owed them money.
 25 A. Yeah, of course, well, you know, banks sometimes they

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1 \$200.98.
 2 A. Yeah.
 3 Q. That's going to be for your girlfriend?
 4 A. Yeah, we went to the store. She likes this store.
 5 Every time we go there, she buys something.
 6 Q. Okay. All right. Now, August 28th, also, right after
 7 that Lexi Drew one, there is a \$250 transfer, online
 8 wire transfer, to Tatiana Marti.
 9 A. That's my daughter.
 10 Q. That's your daughter?
 11 A. Yeah.
 12 Q. So that went to your daughter as well?
 13 A. Yes.
 14 Q. All right. So the MoneyGrams went to your daughter
 15 and this wire transfer did?
 16 A. Yeah.
 17 Q. Tatiana, correct?
 18 A. Yes.
 19 Q. All right. Then we have got the -- here on August
 20 29th, you made a wire transfer of a \$1000 for child
 21 support.
 22 A. Yes. You're going to see a few of them because that's
 23 usually what I do when my ex-wife call me for money.
 24 Q. Okay. Let's see --
 25 A. And I never say no because as you see on my divorce

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1 send you this E-mail, internal E-mail in your account,
 2 you know, and they tell you, you know, 200. So I
 3 don't know. I mean, I still don't know. I can ask
 4 why they ask me to send \$200.
 5 Q. Well, would you have a copy of the E-mail from them,
 6 if it was by E-mail, or a copy of the letter they sent
 7 you?
 8 A. I can look for it.
 9 Q. You said you can call them. Can you get your bank
 10 statements from --
 11 A. Well, I'm sure if I request and I pay for it, they're
 12 going to give it to me, and, you know -- but, so you
 13 want me to find for you the reason why I transferred
 14 \$200 to my bank account in this particular date?
 15 Q. Well, I actually would like copies of all your bank
 16 statements from the Bank of Hawaii.
 17 A. Okay.
 18 Q. From, I won't even make you go back six years, just
 19 two years.
 20 A. Okay.
 21 Q. Well, actually, let's do since you moved here, the
 22 2014. So 2014 to now.
 23 A. Okay.
 24 Q. All right. Checking on time. So any of the, on
 25 August 28th, there's another debit for Lexi Drew of

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1 agreement, I owe her a million dollars. I think I'm
 2 getting off easy on that one.
 3 Q. Okay. Let's see, the next page, which is going to be
 4 page 4 of 6, down at the bottom, it's really little.
 5 It starts out on September 1st for the -- all right,
 6 on September 5th, there are two deposits, one for 1500
 7 and one for 400. The 1500, where did that come from?
 8 A. Karen Fox.
 9 Q. Okay. And the 400?
 10 A. Probably Karen Fox too. I don't see any other --
 11 Q. Okay. There's no other place where you would have
 12 gotten 1500 or 400?
 13 A. No. When it's this type of a number, it's always her.
 14 That's where she --
 15 Q. Okay. I still have to go through each of them. So --
 16 A. Okay.
 17 Q. Now, I have got a question for you. It started
 18 popping up. September 5th is the first one. There's
 19 this charge of 19.99, for Steamgames.com.
 20 A. That's my son.
 21 Q. That was your son. Okay.
 22 A. That's a video game for my son.
 23 Q. Okay. The only reason I asked is because there's a
 24 lot of those charges going through. And when I was
 25 trying to look it up online, there was a thing saying

37 (Pages 145 to 148)

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1 that it was a fraud that it was popping up on people's
2 accounts when they hadn't charged anything. So I was
3 just checking to see if that was something that we
4 could collect on.
5 A. Yeah, SteamGame is one of these company where you pay
6 and they give you a code, like a digital code, and my
7 son can go and play this stupid game.
8 Q. On 9/5, there is a \$164.62 debit to Doterra.
9 A. Yes.
10 Q. Now, what is that for?
11 A. This is my older daughter. She works for this
12 company. It's a company who sell essential oil, and
13 she work for the company and she make me buy this
14 family package which is supposed to give you -- there
15 was like, I think 12 little bottle of oil in there
16 that you have to put on your chest when you get cold,
17 or on your temple here when you get headache. I mean,
18 it's essential oil that I buy because I want to be
19 nice to my older daughter. And actually, I think she
20 even make me enroll for --
21 Q. Every month renewal.
22 A. Yeah, it's something like that, yeah.
23 Q. I did see it popping up every single month, but in
24 different amounts so.
25 A. Yeah, that's what it is. Yeah. This is my older

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1 A. Yes.
2 Q. Oh, and when we spelled that earlier, it's actually K-
3 H-O-M-E-N-E-T-S. There's a payment to her for \$250.
4 What's that for?
5 A. That was for lingerie. She's a lingerie designer.
6 No, how you call lingerie -- what you call --
7 Q. Lingerie?
8 A. Lingerie, Victoria Secret stuff.
9 Q. Yeah.
10 A. Yeah. She's a lingerie designer, and I bought this
11 for Karen Fox as a gift with her money.
12 Q. Bought for Karen. Okay. So she's a lingerie
13 designer. Does she work around here?
14 A. Anzhelika?
15 Q. Yeah.
16 A. Anzhelika is a friend of mine who's a lingerie
17 designer.
18 Q. Right. That's what you said.
19 A. So I bought a few things from her for gift for Karen,
20 then she moved to -- she's from Chicago. Last year,
21 she came to Birmingham, and she stayed with me for
22 probably three or four months because she was trying
23 to open a store here. And I tried to help her, not
24 financially, but by introducing to the landlord and
25 everything. She did. She made a deal with them. She

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1 daughter.
2 MR. KWIATKOWSKI: You're an essential oil
3 expert.
4 THE WITNESS: I got so much oil, you know, I
5 wish I could drink it.
6 BY MS. GOLL:
7 Q. Pop it in the store and sell it there, or the gallery.
8 Now, there's one on 9/6, if you go down to -- it's a
9 PayPal, card purchased from PayPal, iCanvas.com.
10 A. That's artwork.
11 Q. Artwork?
12 A. That's artwork that I bought for the gallery, iCanvas
13 is a publishing company, published print.
14 Q. Okay.
15 A. And I don't know why I ended up paying this with my
16 personal card, but I remember this being for the
17 gallery. And actually, I bought a few things from
18 this company and I haven't been reimbursed. So, the
19 company owe me money too.
20 Q. All right. So we already asked about Tatiana because
21 there's another online wire transfer to her.
22 Steamgames. Okay. September 8th, it's going to be
23 the last September 8th entry.
24 A. Uh-huh.
25 Q. There's a payment to Anzhelika Khomenets.

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1 opened the store. Then she had a fight with the
2 landlord and she left, and that was the end of the
3 story.
4 Q. So this lingerie store, did you have any interest in
5 it?
6 A. No. At some point, there is a guy called
7 Chuck Bennett. Chuck Bennett is columnist at the
8 Detroit News. I asked him to help her to advertise
9 for her store. And somehow in this article that he
10 wrote, he put me as a co-owner, but I was never a
11 co-owner.
12 Q. Chuck Bennett?
13 A. Chuck Bennett, yeah, he work for the Detroit News. He
14 does the social, you know, all of the gossip and
15 stuff. He's the one who also wrote that I was partner
16 in the Robert Kidd Gallery when it was not accurate.
17 Q. All right. So he did one of those stories also about
18 you and Jennifer?
19 A. Yeah. Yeah.
20 Q. So he doesn't get a lot of stuff right, does he?
21 A. Well, you know, these people, journalist, you give
22 them an interview. They ask you questions. And after
23 that, they run and they write whatever they want, you
24 know.
25 MR. KWIATKOWSKI: I have actually been

38 (Pages 149 to 152)

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1 wickedly misquoted in a newspaper article.
 2 BY MS. GOLL:
 3 Q. All right. So, you didn't have an interest in the
 4 lingerie store. You said you introduced her to the
 5 landlord.
 6 A. Landlord.
 7 Q. Did you help her with the lease, sign on the lease,
 8 anything like that?
 9 A. I give her advice because she's foreign.
 10 Q. Gave her advice, okay.
 11 A. I gave her advice. I introduced her to the landlord.
 12 I help her to paint the store at some point. You
 13 know, she's a friend of mine for many years.
 14 Q. All right. So you bought the \$250 of lingerie for
 15 her?
 16 A. Yes.
 17 Q. Let's see, next page, which is Page 5 of 6. Up at the
 18 top, the first two entries, on September 12th, there's
 19 a deposit of \$4,000 and one for 1600, were those both
 20 from Karen?
 21 A. Karen Fox, yeah.
 22 Q. Okay. And then, September 14th, there is a payment to
 23 Kihai Maui Self-Storage to 264.40. Was that for one
 24 of the units?
 25 A. Let me see. Which one?

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1 Q. On September 14th.
 2 A. Well, if yeah, if it's Kihai Storage it's for one of
 3 the units probably.
 4 Q. One of, okay. The very next entry. It's another
 5 Paypal. It's for Christinere, C-H-R-I-S-T-I-N-E-R-E.
 6 A. Yeah. That's somebody I owe money to. Her name is
 7 Christine. You going to see, when I provide you with
 8 my PayPal information --
 9 Q. Uh-huh.
 10 A. -- you're going to see mostly payment to this lady.
 11 This is someone that -- this is one of my former
 12 clients, from my former gallery in Hawaii, that I'm
 13 refunding for something that she returned. So I'm
 14 refunding every month. So I send her, like, you know,
 15 sometimes \$50, sometimes \$100 by PayPal. Every time I
 16 can. I can send her some money to pay her back to
 17 refund her for what she returned.
 18 Q. The art gallery you can take stuff back to?
 19 A. Well, in this case, what happened, she live in
 20 Australia. When we shipped the goods there, it get
 21 damaged. We don't insure it for enough money with
 22 UPS, so I end up having to pay the difference.
 23 Q. So do you still owe her money?
 24 A. Yes. I think only another 2500, or 2800. I know that
 25 I send her \$50 last month, and I'm sending her every

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1 time I can.
 2 Q. Okay. That's not listed in the schedules.
 3 MR. KWIATKOWSKI: No.
 4 MS. GOLL: So you'll have to amend the
 5 schedules then.
 6 MR. KWIATKOWSKI: Yeah.
 7 THE WITNESS: Well, because --
 8 BY MS. GOLL:
 9 Q. That's okay. Let's go down to September 15th. It's
 10 going to be the last September 15th entry. There's
 11 another payment to Anzhelika for \$300. What was that
 12 for?
 13 A. Yeah. Same thing. Same thing, lingerie.
 14 Q. For Karen?
 15 A. Yeah.
 16 Q. All right. On September 18th, there's a wire transfer
 17 of \$200 to Adelaide Clairwain.
 18 A. That's my daughter.
 19 Q. Okay. This says that it went to Birmingham.
 20 A. What?
 21 Q. It has here -- it says, Adelaide Clairwain --
 22 A. November 18, can I --
 23 Q. Yeah.
 24 A. I can't find it. Sorry.
 25 Q. It's going to be here, right there, it's a bigger one.

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1 A. Oh, yeah. Okay. Yeah, well, do you see what's
 2 written.
 3 Q. Yeah, TD Bank, Adelaide Clairwain --
 4 A. Yes, that's my daughter.
 5 Q. -- Birmingham, Michigan, happy birthday. So that's
 6 your daughter but --
 7 A. I wire money to my daughter in France for her
 8 birthday. It's an online domestic wire. So I send
 9 her money for her birthday.
 10 Q. Right. Domestic means local. And it's showing in
 11 Birmingham.
 12 A. Well, she live in France. So I mean the wire was made
 13 from Birmingham, but it was received in France,
 14 because that's where she live, and it's her birthday
 15 because I say happy birthday on the thing.
 16 Q. Well, it's just it said it was domestic, so it seems
 17 odd.
 18 A. Yeah, I agree.
 19 Q. All right. Now, there are -- on September 18th, it's
 20 going to be two down from the one we just looked at.
 21 There's actually two in a row for Claudia Martiko.
 22 A. Yeah.
 23 Q. One for \$10 and one for 200. What is that?
 24 A. She's a cleaner. She's a housekeeper.
 25 Q. Oh, so she cleans your house?

39 (Pages 153 to 156)

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1 A. Well, at some point, I have her clean my house a
2 couple of times. Then after that, I couldn't afford
3 it any more.
4 Q. Okay. I'm going to skip that one. Let's see. All
5 right. There's another one right after the two to
6 Martiko.
7 A. Dylan. That's a web designer.
8 Q. Dylan P., he's a web designer?
9 A. Yeah, he's a web designer. That was a down payment
10 for a web design that he never finished. I was
11 supposed to pay another 500, which I never did because
12 he never finish it.
13 Q. Okay. So we have got the payments to Claudia Martiko
14 for the housekeeping. Then on September 20th, there's
15 a payment to George E. Mitchell Clean for 156.70.
16 A. George E. Mitchell?
17 Q. Yeah, and I looked that up. He's a cleaner.
18 A. Okay.
19 Q. So what was that for?
20 A. Well, I guess, cleaning, 156.70?
21 Q. Yeah.
22 A. George Michael?
23 Q. George E. Mitchell, Mitchell.
24 A. He's a cleaner?
25 MR. KWIATKOWSKI: Is that dry cleaning?

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1 THE WITNESS: Oh, it could be dry cleaning.
2 Yeah. Because --
3 BY MS. GOLL:
4 Q. Dry cleaning, okay.
5 A. -- oh, yeah, yeah. It's a dry cleaning on Woodward
6 next to CVS. Yeah, that's dry cleaning, yeah.
7 Q. Okay. September, the very last entry, there's another
8 payment to Anzhelika Khomenets for \$1200.
9 A. Yeah, I buy a dress from her for Karen. A beautiful
10 evening dress. We were going to the Little Black
11 Dress Event at the Townsend Hotel.
12 Q. Okay. So she doesn't do just lingerie. She was doing
13 clothing --
14 A. She does wedding also. She does wedding dress,
15 lingerie. Yeah, she's a clothing designer. She have
16 a website. You can take a look at what she sell.
17 MS. GOLL: I don't think we're going to get
18 through all of this by two. I don't think we're going
19 to get through the rest of the bank statements.
20 MR. KWIATKOWSKI: We said we can go to
21 three.
22 MS. GOLL: Oh, you said three? Okay.
23 Sorry. I knew you said two, and then he was
24 concerned --
25 MR. KWIATKOWSKI: I said I could stretch it.

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1 BY MS. GOLL:
2 Q. All right. So, let's take a look at the next bank
3 statement, September 21st through October 19th. And
4 there are four checks on that first page. We'll do
5 the first three. And then we'll move to the second
6 page, which is Page 2 of 6 of the statement. There's
7 a deposit on September 21st for \$800. Where was that
8 from?
9 A. Deposit, yeah, it's probably Karen Fox again.
10 Q. Karen. Okay. And then, let's see, that's Robert
11 Kidd. On September 25th, there's another deposit.
12 The deposits are dark so you can find them easy.
13 MR. KWIATKOWSKI: They're not --
14 MS. GOLL: The numbers, the money portion of
15 it.
16 MR. KWIATKOWSKI: Not really, but we can
17 try.
18 THE WITNESS: Which one?
19 MS. GOLL: Really? That's weird I printed
20 it off the same and mine are showing dark, bolder.
21 MR. KWIATKOWSKI: Yours are much cleaner
22 than mine. See.
23 MS. GOLL: They're from the same printout.
24 MR. KWIATKOWSKI: You can see here.
25 MS. GOLL: Yeah.

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1 MR. KWIATKOWSKI: No, because you have got
2 hole punches in that.
3 MS. GOLL: Yeah, what I did was I printed
4 these off originally, went through them, then I
5 printed --
6 MR. KWIATKOWSKI: Well, you can see even
7 Gerard's are more clear than mine.
8 MS. GOLL: They printed off from the
9 document you gave me. That's so weird.
10 THE WITNESS: Well, this is Karen Fox again.
11 BY MS. GOLL:
12 Q. Karen?
13 A. Yeah.
14 Q. That's the 25th for 1500?
15 A. Yeah.
16 Q. Let's see. On September 21st, one, two, three, four,
17 it's the fifth entry. There's a card purchase that
18 was paid to PayPal for Alex A. C. Jacob.
19 A. Yeah. She is a -- how do you call that? Somebody who
20 does skin care.
21 Q. Skin care?
22 A. Yeah. And that's also for Karen. She came to she's
23 a person who -- Alexa Jacob is a person who does skin
24 care, and she come to your place and she does a facial
25 and stuff, and that's what she did. Yeah.

40 (Pages 157 to 160)

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1 Q. Wow. That's expensive.
 2 A. She's really good actually. I mean, I never try her,
 3 but Karen says she's really good.
 4 Q. Now, was this, this was for her to come there. It
 5 wasn't for like products?
 6 A. No. It was she came and she give this facial and skin
 7 care.
 8 Q. All right. Now, on September 25th --
 9 A. You're going to see more of her because Karen use her
 10 a lot.
 11 Q. On September 25th, it's going to be the fifth entry
 12 for September 25th, there's a quick pay to Cody
 13 Franklin for \$300.
 14 A. Yeah. That's my assistant, Cody, the one in the room
 15 here today. And I think this was for -- she went to
 16 deliver artwork for me in Grand Rapid, and I pay her
 17 for delivering the artwork in Grand Rapid.
 18 Q. Why didn't it come out of -- from the bank account of
 19 the business?
 20 A. Because she asked me to pay by PayPal. I don't know
 21 why. I mean, sometimes I pay her. I mean, like --
 22 Q. Well, this is Zelle, not PayPal.
 23 A. This is what?
 24 Q. Zell, quick pay with a Zelle payment.
 25 A. Oh, Zelle, that's a bank to bank. Yeah. Well, I

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1 Q. September 29th, there's a deposit of \$4000. It's the
 2 third entry.
 3 A. Yes.
 4 Q. Was that Karen?
 5 A. Certainly, yeah.
 6 Q. All right. Then let's see, MoneyGram, we already
 7 talked about that. There's another payment to Cody
 8 Franklin.
 9 A. Yeah.
 10 Q. That's what you were just talking about for 400.
 11 That's for another trip?
 12 A. Yes. She went to Grosse Pointe two times.
 13 Q. Okay. All right. Let's go down to 10/4. There is a
 14 deposit and it's towards the bottom. There's a
 15 deposit of \$5300.
 16 A. Yes.
 17 Q. Was that from Karen also?
 18 A. Probably, yeah, I don't have any other income beside
 19 Karen. I mean going to my personal.
 20 Q. When you say that, you mean other than your paychecks?
 21 A. Well, I shouldn't say income. I should say gift,
 22 yeah.
 23 Q. No other money, other than from Karen going into your
 24 personal account --
 25 A. Yeah.

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1 guess she asked me to wire the money in her bank
 2 account. I don't know why.
 3 Q. Okay. We went over all of that earlier.
 4 A. Sometimes you going to see, like, you know, Uber for
 5 \$125. That's usually because I send them -- I go to
 6 Grosse Pointe or somewhere to deliver artwork.
 7 Q. Okay. Why does it come out of your checking account
 8 and not the --
 9 A. Well, because sometime I just, you know, I just pay
 10 with my credit card, and you know, I'm going to be
 11 reimbursed, or sometime I don't have any money in the
 12 company and I have to pay.
 13 Q. Okay. There's some for \$12, 12.04.
 14 A. Yeah. That's really short trip. Yeah.
 15 Q. That would be like from your house to the gallery?
 16 A. Yeah.
 17 Q. Let's see. All right. Go down to the next page which
 18 is 3 of 8.
 19 MR. KWIATKOWSKI: What date is this starting
 20 because I can't read the bottom.
 21 MS. GOLL: 9/28.
 22 MR. KWIATKOWSKI: Got it.
 23 THE WITNESS: Yeah, you see, I have another
 24 payment of 400 to Cody for the...
 25 BY MS. GOLL:

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1 Q. -- except, I'm just -- your paycheck goes in there
 2 too, correct?
 3 A. Yeah, my paycheck does.
 4 Q. Okay. I don't want you to say something that we know
 5 is a little inaccurate. And then Robert Kidd payroll.
 6 Going up. So all of the Byolea PayPals that would be
 7 for the store.
 8 A. For jewelry, yeah.
 9 Q. Nothing personal for that.
 10 MR. KWIATKOWSKI: Which one is that?
 11 THE WITNESS: The jewelry designer.
 12 MS. GOLL: That's up at -- it's the very
 13 second one.
 14 MR. KWIATKOWSKI: Oh, okay.
 15 BY MS. GOLL:
 16 Q. Now, on October 10th, there's another payment to
 17 Anzhelika --
 18 MR. KWIATKOWSKI: Next page?
 19 MS. GOLL: Nope, same page.
 20 BY MS. GOLL:
 21 Q. Yeah, October 10th, it's about halfway down, a little
 22 less than halfway. There's another payment to
 23 Anzhelika for \$250.
 24 A. Anzhelika?
 25 Q. Yep.

41 (Pages 161 to 164)

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1 MR. KWIATKOWSKI: Right here.
 2 THE WITNESS: Yes. Yeah.
 3 BY MS. GOLL:
 4 Q. Okay. What was that for?
 5 A. A dress or lingerie again for Karen.
 6 Q. She gets a lot of lingerie every month. Wow.
 7 MR. KWIATKOWSKI: There's a lot of dough
 8 coming in here too.
 9 BY MS. GOLL:
 10 Q. Let's see. On October 2nd, there's a Zelle payment to
 11 Claudia Martiko for \$400. Didn't you say you stopped
 12 using her after the --
 13 A. Yeah. At some point, I mean, I don't exactly remember
 14 the date I stopped using her, but I --
 15 Q. Okay. I thought you meant you stopped using her after
 16 that other one where you paid her twice. Okay. So
 17 that's just how --
 18 A. Well, I guess it's this one.
 19 Q. Now, on October 3rd, there is a purchase from AutoZone
 20 for \$204.57. What's that for?
 21 A. AutoZone? I don't know. PayPal, AutoZone.
 22 Q. Okay.
 23 A. Is it TN mean Tennessee, no?
 24 MR. KWIATKOWSKI: Yeah.
 25 BY MS. GOLL:

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1 Q. All right. Oh, I missed the deposit. On 10/10,
 2 there's a deposit of \$700; was that from Karen?
 3 A. Let me see. Where is it?
 4 Q. 10/10. It's one, two, three, four, fifth down.
 5 MR. KWIATKOWSKI: Up here.
 6 THE WITNESS: Yes.
 7 BY MS. GOLL:
 8 Q. Karen. Okay. And then on October 12th, there's a
 9 \$3,800 deposit. Is that from Karen as well?
 10 A. On October what?
 11 Q. October 12th.
 12 A. It's all the way down?
 13 Q. Well, yeah, about three-fourths of the way down?
 14 A. It's 3800, no?
 15 Q. Yes, 3,800.
 16 A. Yes. That's probably for my rent. She probably give
 17 me money for my rent. What's the date?
 18 Q. October 12th.
 19 A. Yeah, that's probably to pay for my rent, yeah.
 20 Q. Karen for rent. All right. Let's see. On October
 21 10th, this is going back up, partway, it's about a
 22 quarter of the way down. There's a \$45 debit for
 23 Antonio, Antonino, excuse me, Salon.
 24 A. That's a hair salon who's next to the gallery. He
 25 cuts me hair.

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1 Q. TN means Tennessee. That's where their company is
 2 located.
 3 A. Oh, I see. I don't recall what it is. I can find out
 4 for you, but I don't recall what it is.
 5 Q. There was already one previous. I didn't ask you
 6 about it, but on October 2nd, it's about a quarter of
 7 the way down, there's a charge from Vertigo, or
 8 Vertical, excuse me, in Detroit.
 9 A. It's a restaurant.
 10 Q. It's a restaurant? It's not a wine bar? Or is it
 11 both?
 12 A. It's both, yeah.
 13 Q. I was looking it up --
 14 A. It's really good, actually. I went there with Karen.
 15 Q. All right. Let's see. Then on the next page, which
 16 is Page 4 of 8 --
 17 MR. KWIATKOWSKI: See this one is clear.
 18 MS. GOLL: See that's so weird because it
 19 all printed out from the same copy, from the same
 20 copier, at the same time even.
 21 Q. Okay. So the Maui Self-Storage, or not Maui, yeah,
 22 Kihai Maui Self-Storage on October 10th, about almost
 23 halfway down, for 271.44. That was for the storage
 24 unit?
 25 A. Yes.

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1 Q. Okay. Does he do anything else besides cutting hair.
 2 Like is it a spa or anything like that?
 3 A. No. I mean, hair color, he's a hairdresser.
 4 Q. Okay. I'm sorry. I'm just looking for one thing.
 5 All right. Let's see. Lucky lady, once again,
 6 October 10th, there's a payment to Anzhelika for \$250,
 7 was that for more lingerie? I mean it's strange
 8 they're all 250.
 9 A. Okay. Well, you know, it's not always lingerie. It
 10 can be also like a dress, or a bathrobe, because she
 11 does all kind of items.
 12 Q. I understand that. But it's always for an even amount
 13 and this one's 250, most of them are \$250 even.
 14 A. Yes. So?
 15 Q. I mean there's no tax or anything like that?
 16 A. Oh, well --
 17 Q. It seems like it's always 250, 250, 250, 1200, 250.
 18 A. Well, 1200 was the dress, and 250 is lingerie or a
 19 bathrobe or stuff like that that she likes. Yeah.
 20 Q. No, I understand what you're saying, but it seems odd
 21 it's always an even amount. There's not -- it doesn't
 22 look like tax or anything like that.
 23 A. Well, because she's not really a store. She sell
 24 online.
 25 Q. She sells online. Okay.

42 (Pages 165 to 168)

<p style="text-align: right;">Page 169</p> <p>1 A. So I guess she doesn't charge me tax. She just, you 2 know. 3 Q. All right. Now, on 10/10, this is going down a ways, 4 there's another Zelle payment, but it's to 5 Tatiana Marti, that's your daughter, again, right? 6 A. Yes. 7 Q. Deposit, we already went over that. MoneyGram we 8 already went over that. All right. 9 The next page which is 5 of 8. All right. 10 We have already talked about those. October 17th 11 there's deposit of \$3,500. 12 A. Yes. 13 Q. Is that Karen again? 14 A. Yes. 15 Q. Okay. And then October 18th, the next day, there's a 16 \$2500 deposit; was that from Karen? 17 A. The next day when? 18 Q. October 18th. It's the first October 18th. Deposit 19 \$2500. Is that from Karen again? 20 A. Yes. 21 Q. And then October 19th, the very last entry on the 22 statement, or on this page, it's a deposit of 1600; 23 was that Karen? 24 A. Yes. 25 Q. We already went over MoneyGram. Okay. October 16th,</p>	<p style="text-align: right;">Page 171</p> <p>1 landlord? 2 A. He represents me with whoever bother me in Hawaii. 3 You know, when I -- when we get -- I give you an 4 example. When I get divorced -- 5 Q. Uh-huh. 6 A. -- and I walk away from everything, my house, our 7 house went to foreclosure. My ex-wife never paid 8 property tax so the Hawaiian property tax came after 9 me, and I have to hire a lawyer to defend myself. And 10 that's what Jack is doing. 11 Q. He's defending you right now? 12 A. Yeah, yeah. I'm still trying to deal with them. I'm 13 trying to avoid paying all these back taxes that I 14 don't feel like I owe it. 15 And also, at same point, he also help me for 16 the other issue that I have with my old CPA, Levin and 17 Hu. I tried to fight with them to reduce this late 18 fee that they give me, they charged me for. 19 Q. Okay. The only creditor that I see from Hawaii in 20 your Schedules or your Schedule E, F, is for Hawaii 21 Self-Storage. So if you're being sued by other 22 people -- 23 MR. KWIATKOWSKI: He didn't say he was being 24 sued. 25 BY MS. GOLL:</p>
<p style="text-align: right;">Page 170</p> <p>1 again, there's another payment of \$250 to Anzhelika. 2 A. Yes. 3 Q. Was that more lingerie or clothes? 4 A. Where is it? The same page? 5 Q. Yeah, it's on that same page, page 5 of 6. It's 6 October 16th. It's the next to the last October 16th. 7 It's another one for \$250. 8 MR. KWIATKOWSKI: I think it's around here 9 someplace. 10 THE WITNESS: Yes. It's for lingerie or 11 jewelry, I mean, lingerie or clothing, yeah. 12 BY MS. GOLL: 13 Q. Okay. 10/18. It's the fourth one from the bottom. 14 A. Uh-huh. 15 Q. It's a wire transfer of \$1500 to -- 16 A. -- Jack Naidhitch. 17 Q. Yep. 18 A. That's my lawyer in Hawaii. 19 Q. You have an attorney in Hawaii? 20 A. Yes, I do. 21 Q. What for? 22 A. What for? I was living in Hawaii for 25 years and I 23 have some issue there with some people, like my 24 storage, like my old landlord, and he's my lawyer. 25 Q. Okay. So he's representing you against your old</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Or if someone else is coming after you, like for the 2 taxes, you didn't disclose that, as a creditor that 3 you owe. 4 A. Well, no, I guess not. I declared -- well, Jack is my 5 lawyer for different thing, like I tell you, he tried 6 to have my old CPA reduce the late fee that he charged 7 me. And it didn't happen, actually, they refused to 8 do it. He's helping me to deal with Hawaiian taxes. 9 He's the one who tried to help me when I was dealing 10 with Michael Bojkovic. You know, this gentleman, who 11 has all of my stuff in collateral. So Jack is my 12 lawyer like Scott is my lawyer, and I have to pay him 13 sometime. 14 Q. Okay. No, I understand that you have to pay him. But 15 these people that you're saying that you owe money 16 to -- 17 A. Yes. 18 Q. -- for the Hawaiian authority for the property taxes, 19 the landlord, old landlord, they're not listed in your 20 Schedules anywhere? 21 A. Yeah. 22 Q. As having that you owe them money. 23 A. Well, because I don't owe, maybe because I pay off. I 24 pay them off. What I'm saying. 25 Q. So you don't owe the property taxes anymore?</p>

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1 A. No. No. I pay all of this.
 2 Q. Okay. So why are you still paying Jack? Do you owe
 3 Jack money?
 4 A. Yeah. I still owe --
 5 Q. So Jack's not listed either.
 6 A. But he's my lawyer. He helps me. He defends me.
 7 Q. That doesn't matter. You still have to list all of
 8 your creditors.
 9 A. Even the one --
 10 Q. Everybody. Everyone you owe money to you have to list
 11 in your Schedules.
 12 A. Oh.
 13 Q. So Jack Naidhitch.
 14 A. So I should mention you too. This way I don't have to
 15 pay you.
 16 Q. Well, he's actually a different story because you
 17 entered into an agreement to pay him hourly after the
 18 case was filed. This is everything that was owed
 19 before the case was filed.
 20 A. Yeah. I still owe money to Jack.
 21 Q. How much do you still owe?
 22 A. Probably a couple of thousand dollar at least, maybe
 23 1800, it could be less.
 24 A. No, yeah, maybe \$1800.
 25 Q. All right. Let's check, October 19th, on the next

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1 turned 18 yesterday.
 2 Q. Let's see.
 3 A. And Karen paid for my plane ticket and my hotel stay.
 4 Q. Ticket for LA trip. All right. So, we don't have
 5 anything on that first page. Let's look at the second
 6 page, 2 of 6. And there is one deposit on
 7 October 27th for \$1800.
 8 MR. KWIATKOWSKI: Down at the bottom.
 9 BY MS. GOLL:
 10 Q. Was that from Karen as well?
 11 A. Yes.
 12 Q. The third entry at the top, October 23rd, there's a
 13 purchase for ARS National Services, \$126.98. Do you
 14 know what that's for?
 15 A. No. Is this a phone number next to it?
 16 Q. Yeah.
 17 A. Well, I guess I'm going to have -- ARS?
 18 Q. ARS, yeah. I didn't know if that was something to do
 19 with the business or something.
 20 A. It's in California.
 21 Q. Okay.
 22 A. And what's the date? Wait.
 23 Q. October 23rd, excuse me.
 24 A. 2016, no, 2017.
 25 Q. Seventeen, recently, yeah.

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1 page. The very first entry, ABC Harley Davidson.
 2 A. Yes.
 3 Q. 935.14.
 4 A. Yes.
 5 Q. What was that for?
 6 A. I fell with the motorcycle that I use, my friend
 7 motorcycle that I use.
 8 Q. You fell?
 9 A. I fell and I damaged the rearview mirror, and the
 10 front, and the side of the tank, and I have to take it
 11 to be fixed because she lend it to me, and I have to
 12 fix it when I broke it. So I pay for it.
 13 Q. And then there's another, the last entry, another
 14 payment to Cody Franklin.
 15 A. Yeah.
 16 Q. Is that again for --
 17 A. Yeah. Cody's been helping me, you know, driving me
 18 around, and I finally decide to hire her, you know, as
 19 an employee, but for a while, she's been helping me.
 20 And I have been, you know, giving her money to deliver
 21 stuff or pick me up. Like she picked me up yesterday
 22 at 12:30 from the airport, for example, last night.
 23 Q. Okay. Let's see. From the airport last night. Where
 24 did you go?
 25 A. I went to Los Angeles for my son's birthday. He

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1 A. Okay. I don't know what this company is, but --
 2 Q. Okay. If you don't know, you don't know. That's
 3 okay. October 23rd, still is going to be the sixth
 4 entry down, there's an Amazon Marketplace payment. Or
 5 no, I'm sorry, the fifth one down, a German Wing One
 6 PayPal, \$287.08.
 7 A. German Wings?
 8 Q. German Wings One.
 9 A. Yeah, yeah. I see it. Yeah.
 10 Q. Any idea what that is?
 11 A. No, I don't remember.
 12 Q. No, if you don't know, you don't know. That's fine.
 13 I don't want you to make something up.
 14 A. If I know, I would tell you.
 15 Q. All right. Now, October 27th, it's down towards the
 16 bottom, there is another payment to Anzhelika for 350.
 17 Is that more lingerie and clothes?
 18 A. Yes, clothes, yeah.
 19 Q. All right. Next page, on, let's see, page 3 of 6,
 20 there is a deposit, on October 31st of \$8000. Was
 21 that from Karen?
 22 A. Yes.
 23 Q. And then down, just up from the bottom, on
 24 November 6th, there's a \$1200 deposit. Was that Karen
 25 as well?

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1 A. I assume, yeah.
 2 MR. KWIATKOWSKI: Down at the bottom, right
 3 before your rent, right after.
 4 THE WITNESS: Yes, probably.
 5 BY MS. GOLL:
 6 Q. Okay.
 7 A. Yeah, because the next day we went to Lexi Drew and
 8 buy something again. So, yeah.
 9 Q. Okay. So that was Karen as well?
 10 A. Probably, yeah.
 11 Q. The middle of the page, 11/2, the first 11/2 entry,
 12 there's a Cicchini Custom Clothing?
 13 A. Yes. So this is, this is, how you call it -- it's a
 14 store in Birmingham, who sell men's clothes, and I was
 15 forced to buy a tuxedo.
 16 Q. Forced to buy a tuxedo.
 17 A. Forced to -- yeah, I was forced to buy a tuxedo to go
 18 to a function with Jennifer Vinklarek. We were
 19 awarded the best gallery in Hour Magazine?
 20 Q. Uh-huh.
 21 A. You know the Ours magazine because that's gallery --
 22 Q. Yes, Hour Magazine, yeah.
 23 A. And we were invited to receive this award, so she said
 24 you cannot go with your leather jacket and your
 25 motorcycle outfit, you have to get a suit. So I get a

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1 A. Yes.
 2 Q. And then on November 13th, there's a \$900 deposit, was
 3 that Karen?
 4 A. Yes.
 5 Q. A \$500 deposit on November 14th is down towards the
 6 bottom. Was that from Karen?
 7 A. Yes. Yes.
 8 Q. And then November 16th there's a \$2500 deposit. Was
 9 that Karen?
 10 A. Yes, probably. I'm pretty sure it was.
 11 Q. We already know that. All right. November 7th, up
 12 towards the top again, it's the fourth one down.
 13 There's a payment to Anzhelika for 200. Is that
 14 lingerie and clothes?
 15 A. Yes. Yes.
 16 Q. Okay. November 13th, it's about the middle of the
 17 page, there's a debit to United, or United, for
 18 403.40. Was that a plane ticket?
 19 A. Well, if it's United Airline, yeah, it can only be a
 20 plane ticket.
 21 Q. Where did you go?
 22 A. I don't remember. Well, probably to Los Angeles to
 23 see my kid, I suppose, yeah.
 24 Q. Maybe LA. Okay.
 25 A. I mean, I -- yeah.

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1 suit. And she pay for it actually.
 2 Q. Jennifer did, Vinklarek?
 3 A. No, no. I paid with my credit card, but she gave me
 4 the money for it.
 5 Q. Why would Jennifer come up in October, well, actually,
 6 November of 2017, she no longer owned the store?
 7 MR. KWIATKOWSKI: Well, she -- I'm guessing
 8 they awarded --
 9 MS. GOLL: Don't, don't, don't.
 10 THE WITNESS: Well, I still talk to her
 11 everyday, and we're still in, you know, we're still
 12 in, you know, I'm still having a relationship with
 13 her. We are --
 14 BY MS. GOLL:
 15 Q. But my question is she no longer owned the business so
 16 why would she come up for it?
 17 A. Well, I guess, because she wants to go -- I mean, you
 18 know, she's a lady, she likes to go to these events.
 19 And she came and she forced me -- I remember very
 20 well, she forced me to buy a suit, which I hate, but I
 21 did.
 22 Q. So she came up from Texas just to go to that?
 23 A. Yeah. I have picture of it.
 24 Q. All right. Next page, Page 4 of 6, on November 9th,
 25 there's a \$1,000 deposit. Was that Karen again?

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1 Q. I know we just did one or went over one for November
 2 7th, but on November 16th, there's another payment of
 3 \$250 to Anzhelika. Was that lingerie and clothes
 4 again?
 5 A. Yeah.
 6 Q. Now, November 16th, the very last one, there's another
 7 wire transfer of \$1500 to Jack.
 8 A. To Jack.
 9 Q. Is that again for money owed to Jack?
 10 A. Yeah.
 11 Q. We're done with that one. Let's move on to the next
 12 one which is November 18th through December 19, 2017.
 13 Let's see.
 14 MR. KWIATKOWSKI: What month are we in now?
 15 MS. GOLL: November, December.
 16 MR. KWIATKOWSKI: All right. I need two
 17 minutes.
 18 MS. GOLL: Yep.
 19 (Brief recess 1:58 to 2:01 p.m.)
 20 BY MS. GOLL:
 21 Q. November 21st, there's a \$500 payment. Was that from
 22 Karen?
 23 A. Where is it?
 24 Q. November 21st. It's Page 2 of 6.
 25 A. On the top?

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1 Q. Yep, on the top.
 2 A. Yeah.
 3 Q. Karen. All right. 11/24, there's a deposit of \$1100.
 4 Was that from Karen?
 5 A. Yeah.
 6 Q. And then November 29th, 11/29, there's a, towards the
 7 bottom, there's a \$500 deposit. Was that Karen?
 8 A. Yes.
 9 Q. And then November 30th, there's a \$2,200 payment or
 10 deposit. Is that from Karen as well?
 11 A. Yeah. That's probably to help me with my rent because
 12 it's the end of the month, yeah.
 13 Q. Alex and Ani.
 14 A. That's a jewelry store.
 15 Q. Right.
 16 A. I bought a bracelet for Karen.
 17 Q. It wasn't for the store.
 18 A. No. No. That was for her.
 19 Q. And actually, we don't really need to -- we could go
 20 further, but we don't need to because that's after you
 21 filed.
 22 But, just mentioning, when we were talking
 23 when we took the break, that you're averaging about
 24 \$2500 a month eating out at restaurants. That hasn't
 25 changed since you filed bankruptcy, right? That's

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1 still the same?
 2 A. Yes. I mean, you know, she was here again last week,
 3 and we went to the restaurant almost every night.
 4 Q. Let's see. Let's move on to Exhibit 11.
 5 Exhibit 11 -- we're not going to go through the rest
 6 of the bank statements because it was after you filed
 7 so there's no need. Exhibit 11, Velvet Bulldog, LLC,
 8 membership, interest, purchase agreement and release.
 9 Do you recognize this?
 10 A. Yes.
 11 Q. And that's the agreement that you signed with
 12 Jennifer Vinklerek to purchase the business?
 13 A. Yes.
 14 Q. Now, we had already gone over the terms of the
 15 agreement. You paid \$10 as the purchase price, but
 16 you also agreed to pay Jennifer -- to pay a Chase
 17 credit card that had company expenditures on it.
 18 A. Yeah.
 19 Q. For \$40,240.78. Now, has that all been paid off?
 20 A. No. I'm still paying.
 21 Q. The credit card hasn't? Okay. And the \$123,931 that
 22 was for loans that Jennifer and her husband had made
 23 to the business.
 24 A. Yes.
 25 Q. That hasn't been paid back?

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1 A. I'm still paying. Actually, this month I'm behind.
 2 Q. All right. Now, attached to the agreement -- well,
 3 actually, let's go down. Did you sign this agreement?
 4 Is that your signature there?
 5 A. Which one are you?
 6 Q. Oh, wow, there's more than one. Okay.
 7 A. Yeah, which --
 8 Q. Are those your signatures on each of the --
 9 A. Yeah, they are electronic signature.
 10 Q. All right. And then attached to it also is the
 11 Commitment Schedule, To Purchase Agreement, and
 12 Gerard Marti Personal Guarantee. So this is what
 13 we went over earlier; is that correct?
 14 A. Yeah.
 15 Q. All of the artwork that was in the studio or the
 16 gallery at the time that you purchased it?
 17 A. Can you repeat the question?
 18 Q. This Consignment Schedule --
 19 A. Oh, yeah.
 20 Q. -- that we went over earlier. This was all of the
 21 artwork that was in the studio, the gallery, at the time
 22 that you purchased it?
 23 A. When I buy the gallery, a lot of the artwork was sent
 24 back to the artist, because I thought I was going to
 25 close the door. Then when she bought the gallery, I

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1 called some of the artists and they sent back the
 2 painting, knowing that the gallery is going to stay
 3 open. So, yeah, this is what it is.
 4 Q. All right. Now, the ones that are blacked out. Why
 5 is that blacked out?
 6 A. Well, probably because the artist decide to, like,
 7 take it back.
 8 Q. All right. And then, let's -- actually, now we're
 9 getting to the business which we'll wait to do that
 10 until --
 11 MS. GOLL: So what we're going to do is
 12 we're going to conclude this. Do you have your
 13 schedule with you?
 14 MR. KWIATKOWSKI: Yeah.
 15 MS. GOLL: All right. Let me go grab mine
 16 really quick. And we can all three coordinate
 17 schedules for the next hearing.
 18 (Pause in the proceedings.)
 19 MS. GOLL: So what we have decided is we're
 20 going to continue the dep out to Friday, April 20th,
 21 at 10 a.m. Is that correct?
 22 MR. KWIATKOWSKI: 4/20.
 23 MS. GOLL: Yep, 4/20, at 10 a.m.
 24 So, Mr. Marti, you'll need to be back at
 25 that time.
 1 THE WITNESS: Yes.
 2 MS. GOLL: And then we're going to extend
 3 the deadlines --
 4 MR. KWIATKOWSKI: May 15th, or pick a day
 5 around there, just send me a stip.
 6 MS. GOLL: All right. You want me to send
 7 it to you? You don't want to hang out just for a
 8 couple of minutes?
 9 MR. KWIATKOWSKI: Yeah, just standard is
 10 fine.
 11 MS. GOLL: All right. No problem. So we
 12 are going to extend the deadline to object to
 13 exemptions out as well. We'll do that by stipulation.
 14 MR. KWIATKOWSKI: If you want to -- I can
 15 wait. It's okay, if you want to do it.
 16 MS. GOLL: I'll take me just a couple of
 17 minutes. I just have to change the old one that we
 18 have got.
 19 MR. KWIATKOWSKI: Go right at it. That's
 20 fine.
 21 MS. GOLL: All right. So we are all set for
 22 today
 23 (Deposition adjourned to April 20, 2018 at
 24 about 2:21 p.m.)
 25 * * *

46 (Pages 181 to 184)

CHRISTINE FELTS & ASSOCIATES

(248) 742-1141

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1 STATE OF MICHIGAN)
2) ss
3 COUNTY OF OAKLAND)
4

5 I certify that this transcript, consisting of 186
6 pages, is a complete, true, and correct record of the
7 testimony of GERARD MARTI, PART 1, held in this case on
8 March 23, 2018.

9 I also certify that prior to taking this deposition,
10 GERARD MARTI, was duly sworn to tell the truth.

11 I also certify that I am not a relative or employee of
12 or an attorney for a party; or a relative or employee of an
13 attorney for a party; or financially interested in the
14 action.

15

16

17

18

19

20

21

22 May 2, 2018

23 CHRISTINE A. FELTS, CSMR/CER-986

24 Certified Court Reporter

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CHRISTINE FELTS & ASSOCIATES
(248) 742-1141

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